Come and Hear (TM)
An Educational Forum for the Examination of Religious Truth and Religious Tolerance

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Whence did they know?[1]—R. Ḥana[2] b. Bizna replied in the name of R. Simeon the Pious: They were made to pass before the front-plate.[3] If the face of anyone turned pale[4] it was known that she was fit for cohabitation; if it did not turn pale[4] it was known that she was unfit for cohabitation.

R. Naḥman said: Dropsy is a manifestation of lewdness.

Similarly, it is said, *And they found among the inhabitants of Jabesh-gilead four hundred young virgins, that had not known man by lying with him;*[5] whence did they know it?[6] R. Kahana replied: They made them sit upon the mouth of a wine-cask. [Through anyone who had] had previous intercourse, the odour penetrated; through a virgin, its odour did not penetrate. They should have been made to pass before the front-plate![7]—R. Kahana son of R. Nathan replied: It is written, *for acceptance*,[8] for acceptance but not for punishment. If so, the same should have applied at Midian also![9] R. Ashi replied: It is written, '*unto them*', implying *unto them*[10] for acceptance but not for punishment; unto idolaters,[11] however, even for punishment.[12]

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The *halachah* is in agreement with R. Simeon b. Yoḥai.[13] Said R. Zera to R. Jacob b. Idi: Did you hear this[13] explicitly or did you learn it by a deduction? What [could be the] deduction?—As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day,[14] and Rabbi declared her eligible to live with a priest.[15]

(1) Which of the Midianite women, referred to in the texts quoted, was, or was not fit for cohabitation. (2) Cur. edd., 'Huna'. (3) ציץ, the gold plate which was worn by the High Priest on his forehead. V. Ex. XXVIII, 36ff. (4) Lit., '(sickly) green'. (5) Judges XXI, 12. (6) Cf. *supra* n. 1 *mutatis mutandis*. (7) As was done in the case of the Midianites (v. *supra*). (8) Ex. XXVIII, 38, referring to the front-plate. (9) Why then was the test there performed before the plate? (10) Israelites, as were the inhabitants of Jabesh-gilead. (11) As were the Midianites. (12) By the front-plate. (13) That a proselyte under the age of three years and one day may be married by a priest. (14) And was married to a priest. (15) I.e., permitted her to continue to live with her husband.

Marriage to three year old girl.

'"*Unto him*", includes one who is adolescent'. But surely R. Simeon stated that '*virgin*' implied a perfect virgin![1]—His reason there is also derived from here, because he makes the following exposition: since [the Scriptural text], '*unto him*', was required to include one who is adolescent, it is to be inferred that '*virgin*' implies a perfect virgin.

It was taught: R. Simeon b. Yoḥai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest,[2] for it is said, *But all the women children that have not known man by lying with him, keep alive for yourselves,*[3] and Phinehas[4] surely was with them. And the Rabbis?[5]—[These were kept alive] as bondmen and bondwomen.[6] If so,[7] a proselyte whose age is three years and one day[8] should also be permitted!—[The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, *Kill every woman that hath known man by lying with him,*[9] but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, *But all the women children, that have not known man by lying with him, keep alive for yourselves,*[3] but do not spare them if they have known. Consequently[10] it must be said that Scripture speaks of one who is fit[11] for cohabitation.[12]

It was also taught likewise: *And every woman that hath known man;*[9] Scripture speaks of one who is fit[12] for cohabitation. You say, 'Of one who is fit for cohabitation'; perhaps it is not so but of one who had actual intercourse?—As Scripture stated, *But all women children, that have not known man by lying with him,*[13] it must be concluded that Scripture speaks of one who is fit for cohabitation.[12]

(1) *Supra* 59a. One who is adolescent is no more a perfect virgin. (2) She is not regarded as a harlot. (3) Num. XXXI, 18. (4) Who was a priest. (5) How could they, contrary to the opinion of R. Simeon b. Yoḥai, which has Scriptural support, forbid the marriage of the young proselyte? (6) Not for matrimony. (7) That, according to R. Simeon, Num. XXXI, 18 refers to matrimony. (8) So long as she has '*not known man*'. (9) Num. XXXI, 17. (10) To reconcile the contradiction. (11) I.e., one who had attained the age of three years and one day. (12) Not one who had actually experienced it. (13) Implying that any grown-up woman is not to be spared, even if she *hath not known man.*

A rabbi can have sex with a girl of less than three years old.

Even as R. Hamnuna propounded: What if a Jew committed bestiality in ignorance; must there have been both a stumbling block and degradation [for the animal to be stoned] and in this case there is only degradation, but no sin; or perhaps for degradation alone without there having been a stumbling block [the animal is stoned]?[1]—R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea].[2] If she married a priest, she may eat of *terumah*;[3] if any unfit person[4] has a connection with her, he disqualifies her from the priesthood.[5] If any of the forbidden degrees had intercourse with her, they are executed on her account,[6] but she is exempt.[7] Now, 'any of the forbidden degrees' implies even a beast: in this case, there is degradation but no stumbling-block, yet it is taught that they [including a beast] are slain on her

(1) According to the latter explanation of the Mishnah, this problem is solved, whilst the first remains unanswered; but according to the first explanation, the first problem is solved, but not the second. As we cannot be certain which is correct, both so far are unsolved. (2) A man who had sexual connection with a *niddah*, defiles that upon which he lies, even if he does not actually touch it. But the degree of uncleanliness it thereby acquires is not the same as that of bedding upon which a *niddah* herself, or a person afflicted with gonorrhoea, lies. For in the latter case, the defilement is so great that the bedding in turn renders any person or utensil with which it comes into contact unclean; whilst in the former, it can only defile foodstuffs and liquids. This is the same degree of uncleanliness possessed by a garment which has lain upon, or been borne by a *zab* (i.e., one afflicted with issue). (3) As the law of an Israelite's (adult) daughter who married a priest. But if she was less than three years old, although the *Ḳiddushin* accepted on her behalf by her father is valid, yet since she is sexually immature, the marriage cannot be consummated, and hence she is not thereby enabled to eat of *terumah*. On *terumah*, the priest's portion of an Israelite's produce, v. Glos. (4) E.g., a heathen, *ḥallal*, *nathin*, or bastard. (5) I.e., if a priest's daughter, or if the daughter of a Levite or Israelite married to a priest, she may not eat of *terumah*. (6) If they are of those forbidden on pain of death; v. *supra* 53*a*. (7) As she is a minor.

Sex with a three year old girl permitted, by her "husband," but not by others, including a beast.

has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood.[1] When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to[2] flesh. Some teach this teaching by itself:[3] [As to] a small boy who has intercourse with a grown-up woman, Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh. R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD—[IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO ACCORDING TO R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD—HER KETHUBAH IS A MANEH![4] Raba said. It means[5] this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this,[6] it is as if one puts the finger into the eye;[7] but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] 'a girl injured by a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

Rami b. Ḥama said: The difference of opinion[8] is [only] when he[9] knew her,[10] for R. Meir compares her[11] to a mature girl,[12] and

(1) Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood. (2) Lit., 'is not in'. (3) I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah. (4) The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel. (5) Lit., 'says'. (6) Lit., 'here', that is, less than three years old. (7) I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45*a*. (8) Between R. Meir and the Sages. (9) The husband. (10) I.e., he knew, when he married her, that the bride was thus injured. (11) The one who was thus injured. (12) *A bogereth* (v. Glos.), a girl of full maturity, may

Sex with a three year old girl doesn't impair her virginity.

account.[1] [No, this is not conclusive, as it can be argued that] since she deliberately offended there is a stumbling-block] [though she is a minor] but the All-Merciful One had mercy upon her; now, He shewed mercy to her, but not to the animal.

Raba said: Come and hear! A male aged nine years and a day who cohabits with his deceased brother's wife [the former having left no issue] acquires her [as wife]. But he cannot divorce her until he attains his majority.[2] He is defiled through coition with a *niddah*,[3] so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea]. He disqualifies [a woman from the priesthood],[4] but cannot enable a woman to eat [of *terumah*].[5] He renders an animal unfit for the altar,[6] and it is stoned on his account,[7] and if he had intercourse with one of the degrees forbidden in the Torah, the latter is executed. Now here there is degradation, but no stumbling-block, yet it is taught: 'It is stoned on his account.' Since it was a *deliberate* offence, there is a stumbling-block, but the All-Merciful One had mercy upon him; now, He showed mercy to him, but not to the animal.

Come and hear! ANOTHER REASON IS THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS WHILST PEOPLE SAY, 'THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED.' Now surely, since the latter reason embraces both stumbling-block and degradation, the former reason refers to degradation only, that is, when a Jew committed bestiality in igno-

(1) This solves R. Hamnuna's problem. (2) For, being a minor, he has no power to release her from a bond laid upon her, in the first place, by an adult (his brother). (3) This rendering follows the more correct text of the Mishnah, Niddah 45*a*, of which this is a quotation, which has *umiṭṭamma beniddah* (through or by a *niddah*), instead of the reading here: *umiṭṭamma keniddah*, as a *niddah*. (4) V. p. 343, n. 6. (5) If he is a priest, and has sexual connection with an Israelite's daughter with marital intent, this does not authorise her to eat of *terumah*, because he has no legal powers of acquisition in marriage, excepting over his levirate sister-in-law, who is already bound to him. (6) If he committed bestiality therewith, only one witness attesting the offence, the animal is not killed, nor does it become unfit for secular use, but it may no longer be offered as a sacrifice. (7) If his bestiality was attested by two witnesses.

A nine year old boy can have sex with his adult sister-in-law.

treated as an old one.[1] What is meant by this?—Rab said: Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that.[2] What is the basis of their dispute?—Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect].[3] But Samuel maintains: Scripture writes, [*And thou shalt not lie with mankind*] *as with the lyings of a woman*.[4]

It has been taught in accordance with Rab: Pederasty at the age of nine years and a day; [55*a*] [he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment.[5]

R. Nahman, son of R. Hisda stated in an exposition: In the case of a woman, there are two modes of intimacy, but in the case of a

(1) The reference is to the passive subject of sodomy. As stated *supra* 54*a*, guilt is incurred by the active participant even if the former be a minor, i.e., less than thirteen years old. Now, however, it is stated that *within* this age a distinction is drawn. (2) I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum. (3) At nine years a male attains sexual matureness. (4) Lev. XVIII, 22. Thus the point of comparison is the sexual matureness of woman, which is reached at the age of three. (5) [Rashi reads זָכָר instead of the זָכוּר in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraitha. The first—a male aged nine years and a day—refers to the *passive* subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning: because firstly, the *active* offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind*, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the *active* party, the guilt being incurred by the *passive adult* party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

The Talmud considers boys sexually mature at nine, girls at three.

the majority! This was reported back to Rabina. He replied: Do we then not follow the majority in capital charges? But we learnt: If one witness testified that the crime was committed on the second day of the month, and one on the third, their testimony is valid; for one knew that the past month had been full, and the other did not.[1] But if you maintain that we do not follow the majority, should we not say that these witnesses testify exactly,[2] and thus contradict each other? Hence it surely must be that we follow the majority who are wont to err with respect to the fulness of the month.

R. Jeremiah of Difti said: We also learnt the following: A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabited with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*,] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea]. If she married a priest, she may eat of *terumah;* if any unfit person cohabits with her, he disqualifies her from the priesthood. If any of the forbidden degrees had intercourse with her, they are executed on her account, but she is exempt.[3] [69*b*] But why so: may she not prove to be barren, her husband not having married her on such a condition?[5] Hence it must be that we take into account only the majority, and the majority of women are not constitutionally barren! No. The penalty incurred on her account is a sacrifice, [but not death]. But it is explicitly stated, 'They are executed on her account?'— That refers to incest by her father. But the statement is, If *any* of the forbidden degrees had intercourse with her?[6]—Hence this

(1) V. *supra* 40*a*. (2) Jewish months are of either twenty-nine or thirty days duration. As the sanctification of the new month depended on the direct testimony of witnesses, each new moon being proclaimed by the Sanhedrin, it well might happen that a witness had not known that the preceeding month had consisted of thirty days, and hence thought that the day of the crime was the third, instead of the second, of the new month. (3) I.e. that since there is a minority that does not err in respect of the length of the month, why not assume that each knows the length of the preceding month? (4) V. *supra* 55*b*. (5) In which case the marriage is null. (6) This includes the violation of the marriage bond.

Sex with three year old girls permitted.

defect,[1] and even the rival of one's own daughter who was incapable of procreation [is permitted].[2] But what about the expression WERE FOUND[3] in our Mishnah?—Read, 'were'.

When Rabin came[4] he stated in the name of R. Johanan: The rival of a *mema'eneth*,[5] the rival of a woman incapable of procreation, as well as the rival of a divorced woman who had been remarried to her former husband,[6] are all permitted.

R. Bebai recited before R. Nahman: Three [categories of] women may[7] use an absorbent[8] in their marital intercourse:[9] A minor, a pregnant woman and a nursing woman. The minor,[10] because [otherwise] she might[11] become pregnant, and as a result[11] might die. A pregnant woman,[10] because [otherwise], she might[11] cause her foetus to degenerate into a *sandal*.[12] A nursing woman,[10] because [otherwise] she might[11] have to wean her child prematurely[13] and this would result in his death. And what is the age of such a minor?[14] From the age of eleven years and one day until the age of twelve years and one day. One who is under,[15] or over this age[16] must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from

(1) And nevertheless consented to the marriage, which is consequently valid, and the woman is his lawful wife. (2) The rival of a forbidden relative is forbidden only where the latter would have been subject to the precept of the levirate marriage if she had been no relative. In the case of a wife incapable of procreation, however, since she is not subject to the levirate marriage even where she is no relative at all, her rival even where she (the wife) is a forbidden relative, is regarded as the rival of one in relation to whom the precept of levirate marriage is not applicable at all. Cf. הלכות גדולות quoted by Rashi. (3) V. p. 61, n. 14. (4) From Palestine to Babylon. (5) V. Glos. s.v. *mi'um*. In this case it refers to one who refused the levir (V. Rashi a.l.). (6) After she had been married by a second husband who divorced her or died. (7) [So Rashi. R. Tam: Should use, v. Tosaf s.v. שלש.] (8) מוך, hackled wool or flax. (9) To prevent conception. (10) May use the absorbent. (11) Lit., 'perhaps'. (12) סַנְדָּל lit., 'a flat fish', i.e., a flat, fish-shaped abortion due to superfetation. (13) Owing to her second conception. (14) Who is capable of conception but exposed thereby to the danger of death. (15) When no conception is possible. (16) When pregnancy involves no fatal consequences.

Girls under eleven must continue sex without a contraceptive.

Said Samuel: Abba[1] agrees with me in the case of a girl who is under three years of age and one day; since cohabitation with her constitutes no *kinyan*,[2] the bridal chamber[3] also constitutes no *kinyan*.[2]

Raba said, We also learned a similar Baraitha:[4] A girl who is three years of age and one day may be betrothed by cohabitation; if a levir cohabited with her, he has thereby acquired her;[5] one incurs through her the guilt of intercourse with a married woman; she[6] defiles her cohabitor in respect of his imparting defilement to the lower, as well as to the upper couch;[7] if she was married to a priest she may eat *terumah*, and anyone ineligible[8] who cohabited with her causes her ineligibility.[9] Thus only a girl of the age of three years and one day, who is rendered ineligible by cohabitation, is also rendered ineligible through the bridal chamber; but a girl younger than three years and one day, who is not rendered ineligible by cohabitation, is not rendered ineligible through the bridal chamber either.[10] This proves it.

Rami b. Ḥama stated: [In regard to the question whether] the bridal chamber[11] constitutes *kinyan*[12] with ineligible women,[13] we arrive at a difference of opinion between R. Meir and R. Eleazar and R. Simeon. [58a] According to R. Meir who holds that the betrothal causes ineligibility, the bridal chamber[14] also causes ineligibility, while according to R. Eleazar and R. Simeon who

(1) I.e., Rab, whose proper name was Abba. The former name (*Rab* = Master) was a title of honour conferred upon him as the Master *par excellence* of his time. According to Rashi, a.l., 'Abba' was a term of respect synonymous with 'prince' and 'master' by which Samuel, his younger contemporary, referred to Rab. (2) V. *supra* p. 385, n. 12. (3) Which constitutes *kinyan* only where cohabitation is possible, but which is not the case with a child under the age mentioned. (4) From which the ruling on which Rab and Samuel are in agreement may be inferred. (5) She is deemed to be his legal wife. (6) During her period of menstruation. (7) If he lies on a number of couches (coverlets, bed-spreads, and the like) resting one upon the other, he imparts levitical defilement to all, though he comes in direct contact with the uppermost one only. (8) A bastard, for instance. (9) V. *supra* p. 385, n. 12. Cf. Kid. 10af, v. Sanh. Sonc. ed. p. 376, n. 2. (10) Cf. *supra* note 3. (11) V. p. 385, n. 11. (12) V. loc. cit., n. 12. (13) V. loc. cit., n. 13. (14) Even in the absence of betrothal.

Sex with three year old girls permitted.

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Sex with three year old girls permitted.

Jewish Talmud Allows Sex with 3-year Old Girls!

By David J. Stewart | September 2007 | Updated 2015

Below are just a few of the pages from Talmud dealing with sex and children. One of the curious things about the whole of Talmud is the incredible lengths of meandering, convoluted, contradictory discourse over mundane trivial matters, punctuated by the most incredible license dealing with adults having sex with children and familial/incestuous relationships. Could the propensity toward this kind of thing be connected to the almost exclusive involvement with pornography and global sex-slavery that elite globalists are deeply involved in? Yes, certainly!

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Babylonian Talmud: Tractate Yebamoth

Folio 12a

— The other replied,[1] You have learned it: If one of them was a permitted wife and the other a forbidden one; if she submits to *halizah* he must submit to that of the forbidden one; and if he marries, he marries the permitted one. Now, what is meant by 'permitted' and 'forbidden'? If it be suggested that 'permitted' means permitted to all the world and 'forbidden' means forbidden to all the world, what practical difference, in view of the fact that she is in either case suitable for him, could this make to him? Consequently 'permitted' must mean permitted to him, and 'forbidden', forbidden to him; and this may happen where he remarries his divorced wife; and yet it was taught. 'If he marries he marries the permitted one'![2] — No; 'permitted' may still mean permitted to all the world, and 'forbidden', forbidden to all the world; and as to your question. 'What practical difference, in view of the fact that she is in either case suitable for him, could this make'? One must take into account the moral lesson of R. Joseph. For R. Joseph said: Here, Rabbi taught that a man shall not pour the water out of his cistern so long as others may require it.[3]

Come and hear: 'Where a man remarried his divorced wife after she had been married, she and her rival are to perform *halizah*.' Is it possible to say 'she and her rival'? Consequently it must mean, 'either she or her rival.'[4] Did you not, however, have recourse to an interpretation? [You might as well] interpret thus: She is to perform *halizah*, while her rival may either perform *halizah* or be married by the levir.

R. Levi b. Memel said in the name of Mar 'Ukba in the name of Samuel: The rival of a *mema'eneth*[5] is forbidden. To whom [is she forbidden]? If it be suggested, to the brothers,[6] [it may be retort ed], now that she herself[7] is permitted,[8] for Samuel said, 'If she refused one brother she is permitted to marry the other',[9] is there any question that her rival is permitted![8] Hence [it means] to himself.[10] Wherein, however, does the *mema'eneth*[11] differ[12] that she is in consequence permitted to the other brothers? Obviously, in that she had taken no action in relation to them;[13] but her rival also had taken no action in relation to them![14] — It is an enactment made to prevent marriage with the rival of one's daughter[15] who was a *mema'eneth*.[16]

Is, however, the rival of one's daughter who is a *mema'eneth* forbidden? Surely we learned, IF, HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED[17] [etc.] THEIR RIVALS ARE PERMITTED. Now, against whom was the declaration of refusal made? If it be suggested that she refused the husband, then this case is identical with that of a divorced woman.[18] Consequently it must refer to refusal of the levir![19] — No; it may, in fact, refer to the refusal of a husband, but there are two kinds of divorce.[20]

Wherein, however, does the refusal of a husband differ?[21] Obviously in that she thereby annuls the original marriage; but when she refused the levir she has also annulled the original marriage! — [It differs] in respect of what Rami b. Ezekiel had learnt. For Rami b. Ezekiel learnt: If she[22] declared her refusal against the husband she is permitted to marry his father;[23] if against the levir, she is forbidden to his father.[24] From this it clearly follows that from the moment she becomes subject to the levirate marriage[25] she is looked upon as his[26] daughter-in-law; similarly here also[27] she is looked upon as the rival of his daughter from the moment she[28] becomes subject to the levirate marriage.

Said R. Assi: The rival of a woman incapable of procreation is forbidden;[29] for it is said in the Scriptures, And it shall be that the firstborn that she beareth,[30] which excludes a woman incapable of procreation, since she does not bear.[31] R. Shesheth raised an objection: In the case where three brothers were married to three women who were strangers to one another, and one of them having died, the second brother addressed to her[32] a ma'amar[33] and died, behold these[34] must perform the *halizah* but may not marry the levir; for it is said, And one of them die [etc.] her husband's brother shall go in unto her,[35] only she[36] who is tied to one levir[37] but not she who is tied to two levirs;[38] and concerning this it was taught: R. Joseph said, 'This is the rival of a paternal brother's wife whose prohibition[39] is due to her double subjection to the levirate marriage,[40] a case the like of which we do not find through out the Torah'.[41] Now, what does the expression 'This is' exclude? Does it not exclude the rival of a woman incapable of procreation, who is permitted![42] — No; it excludes the rival of a woman incapable of procreation who is forbidden. What, then, is meant by the expression, 'This is'?[43] — It is that in this case, where the subjection to the levirate marriage has caused the prohibition, her rival requires *halizah*; in the case, however, of a woman incapable of procreation even *halizah* is not required. What is the reason? — The prohibition of the one[44] is Pentateuchal;[45] that of the other only Rabbinical.[46]

We learnt; IF, HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED, OR WERE FOUND

INCAPABLE OF PROCREATION, THEIR RIVALS ARE PERMITTED![47] — This is no difficulty; the one[48] is a case where he[49] knew her defect[50] while the other[51] is a case where[52] he did not know of it.[53] The inference from our Mishnah also proves this; for it was stated WERE FOUND[54] and not 'were'. This proves it.

Raba said:

To Part *b*

Original footnotes renumbered.

1. This reply applies to both versions of the inquiry.
2. Which shews that for the rival levirate marriage is permitted while for the remarried woman herself it is forbidden. For further notes v. *supra* p. 56.
3. For notes v. *supra* p. 56f.
4. Which supplies answers to the enquiries raised by R. Johanan in both versions.
5. A minor who declared her refusal to marry the levir. V. Glos. s.v. *mi'un*.
6. Of the levir.
7. The minor who refused to marry the levir.
8. To marry the other brothers.
9. *Infra* 107b.
10. To the levir whom the minor had refused. The refusal removes the precept of the levirate marriage and in respect of the rival the prohibition of marrying a brother's wife comes again into force.
11. V. p. 58, n. 6.
12. From her rival.
13. Her refusal having been confined to one of the brothers only.
14. Not even against one of them. Why then is she forbidden to the levir?
15. Who comes in the category of forbidden relatives whose rivals also are forbidden. On the possibility of *mi'un* during a father's lifetime, v. *supra* p. 2, n. 6.
16. If the one were permitted the other also might erroneously be married.
17. So BaH. Cur. edd. omit.
18. Which was already mentioned.

19. And yet, as our Mishnah shews, her rival is permitted in all cases enumerated, i.e., even in that of one's daughter.

20. Actual divorce and one by *mi'un*.

21. From that of the levir.

22. A minor who was married to a stranger.

23. Her declaration of refusal having completely annulled the original betrothal, she is no more his daughter-in-law.

24. Her former marriage having once subjected her to levirate relationship, she must be regarded as the levir's father's daughter-in-law. V. *infra* 13a.

25. Lit., 'falling'.

26. The levir's father's.

27. In the case of the rival of one's daughter who made the declaration of refusal.

28. The daughter.

29. I.e., if one of the widows of the brother who died without issue is such the other also is forbidden.

30. Deut. XXV, 6.

31. Hence she herself is forbidden as a brother's wife, and her rival as the rival of a forbidden relative.

32. The widow of the deceased.

33. V. Glos.

34. The widows of the two dead brothers.

35. Deut. XXV, 5.

36. May marry the levir.

37. I.e., where the second brother had actually married her and has thus severed all her connections with the first. In such a case as in that of the usual levirate she would stand in relation to the third brother as the widow of one brother only.

38. The formula of betrothal or ma'amar addressed to her by the second brother has only partially attached her to him and has not completely severed her connection with her husband, the first brother. She thus remains tied to the two, and consequently entirely forbidden the levirate marriage.

39. Of the levirate marriage.

40. Lit., 'falling'. Her levirate relationship with the third brother being due to her partial connection with each of the two dead brothers.

41. The widow not being one of the relatives forbidden by the Torah. The prohibition of the levirate marriage in her case is only Rabbinical, the Biblical text cited being a mere *asmakta*.

42. How, then, could R. Assi state that a rival of one incapable of procreation is forbidden?

43. Which seems to imply that only this case is forbidden but not the other.

44. A woman incapable of procreation.

45. The prohibition being derived from Deut. XXV, 6 *supra*.

46. V. *supra* n. 1.

47. V. *supra* n. 2.

48. Lit., 'here', in R. Assi's statement.

49. The husband now deceased.

50. At the time their marriage took place. Having known her defect he was not in any way misled, and the marriage, therefore, is valid. Her rival is consequently the rival of a legally married wife who is incapable of procreation and is forbidden by the deduction from Deut. XXV, 6.

51. Our Mishnah.

52. The husband now deceased.

53. At the time he married her. Since her defect was unknown to him the marriage which had taken place under a misapprehension is invalid. The woman, therefore, is not his lawful wife, and her rival cannot be regarded as a legal rival. Hence the statement in our Mishnah that such a rival is permitted.

54. Implying discovery after the event, i.e., after the marriage.

Tractate List

Yebamoth 12b

The law is that the rival of a woman incapable of procreation is permitted, even though he[1] knew her

defect,[2] and even the rival of one's own daughter who was incapable of procreation [is permitted].[3] But what about the expression WERE FOUND[4] in our Mishnah? — Read, 'were'.

When Rabin came[5] he stated in the name of R. Johanan: The rival of a *mema'eneth*,[6] the rival of a woman incapable of procreation, as well as the rival of a divorced woman who had been remarried to her former husband,[7] are all permitted.

R. Bebai recited before R. Nahman: Three [categories of] women may[8] use an absorbent[9] in their marital intercourse:[10] A minor, a pregnant woman and a nursing woman. The minor,[11] because [otherwise] she might[12] become pregnant, and as a result[13] might die. A pregnant woman,[11] because [otherwise]. she might[12] cause her foetus to degenerate into a *sandal*.[13] A nursing woman,[11] because [otherwise] she might[12] have to wean her child prematurely[14] and this would result in his death. And what is the age of such a minor?[15] From the age of eleven years and one day until the age of twelve years and one day. One who is under,[16] or over this age[17] must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from heaven,[18] for it is said in the Scriptures *The Lord preserveth the simple*.[19]

Since it has been stated, 'because she might become pregnant and as a result might die' it may be implied that it is possible for[20] a minor to be pregnant and not die. But, if so, one could imagine a case where[21] a mother-in-law should be in a position to make a declaration of refusal,[22] whereas we learned, ONE CANNOT SAY OF A MAN'S MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW AND THE MOTHER OF HIS FATHER-IN-LAW THAT THEY WERE FOUND INCAPABLE OF PROCREATION OR THAT THEY MADE A DECLARATION OF REFUSAL! — Read, 'because she might become pregnant and die';[23] for Rabbah b. Liwai said: She[24] is subject to an age limitation. Prior to that period[25] she does not conceive at all; during that period[25] she dies and her embryo dies; after that period[25] both she and her embryo survive. But is it really so? Surely, Rabbah b. Samuel recited: One cannot say of a man's mother-in-law, the mother of his mother-in-law and the mother of his father-in-law that they were found incapable of procreation or that they made a declaration of refusal, since they have already given birth to children![26] — But [the reading], in fact, is, 'because she might become pregnant and as a result might die'. But, [then, the previously mentioned] difficulty remains![27] — R. Safra replied: Children are like marks of puberty.[28] Others Say: Children are

more conclusive proof than the marks of puberty. What practical difference is there between the two statements? — [It is this: That] even he who follows R. Judah who stated, '[a girl may exercise the right of refusal] until the black[29] predominates'[30] admits in the case of children.[31]

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Original footnotes renumbered.

55. The deceased brother, at the time when he married.

56. And nevertheless consented to the marriage, which is consequently valid, and the woman is his lawful wife.

57. The rival of a forbidden relative is forbidden only where the latter would have been subject to the precept of the levirate marriage if she had been no relative. In the case of a wife incapable of procreation, however, since she is not subject to the levirate marriage even where she is no relative at all, her rival even where she (the wife) is a forbidden relative, is regarded as the rival of one in relation to whom the precept of levirate marriage is not applicable at all. Cf. [H] quoted by Rashi.

58. V. p. 61, n. 14.

59. From Palestine to Babylon.

60. V. Glos. s.v. *mi'un*. In this case it refers to one who refused the levir (V. Rashi a.l.).

61. After she had been married by a second husband who divorced her or died.

62. [So Rashi. R. *Tam*: Should use, v. Tosaf s.v. [H]

63. [H], hackled wool or flax.

64. To prevent conception.

65. May use the absorbent.

66. Lit., 'perhaps'.

67. [H] lit., 'a flat fish', i.e., a flat, fish-shaped abortion due to superfetation.

68. Owing to her second conception.

69. Who is capable of conception but exposed thereby to the danger of death.

70. When no conception is possible.

71. When pregnancy involves no fatal consequences.

72. To save her from danger.

73. Ps. CXVI, 6; those who are unable to protect themselves.

74. Lit., 'there is'.

75. Lit., 'we found'.

76. In the case, for instance, where the minor gave birth to a child in her twelfth year

and that child was betrothed before the year was over. The minor who thus becomes a mother-in-law is entitled to make a declaration of refusal before, and until she enters her thirteenth year.

77. I.e., while conception is a matter of doubt, death is a certainty whenever conception happened to take place.

78. A minor.

79. The age of eleven years and one day to the age of twelve and one day.

80. Rabbah does not state, 'since they already grew up' but 'gave birth', which proves that even a minor (not yet grown up) is capable of bearing living children.

81. From here it appears that a minor can bear children while from our Mishnah it follows that she cannot.

82. As soon, therefore, as she gave birth to a child the minor is assumed to have passed out of the age of minority into that of puberty. Hence it is impossible for a mother, whatever her age, ever to make a declaration of refusal to which a minor only is entitled.

83. I.e., the pubic hair.

84. The growth of two hairs which the Rabbis regard as a definite mark of puberty not being considered by R. Judah as conclusive proof. Keth. 36a, B.B. 156a, Nid. 52a.

85. That they provide definite proof of puberty irrespective of the state of the hair.

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Folio 57a

this woman also may eat.[1]

Whence [is this[2] proved]? Is it not possible that R. Eleazar and R. Simeon maintain [their opinion] only there because in other circumstances[3] he is entitled to confer the right of eating, but not here where he is never entitled to confer the right of eating![4] And were you to reply that here also he[5] is entitled to confer upon the daughter of proselytes[6] the right of eating, surely [it may be retorted] this very question was addressed by R. Johanan to R. Oshaia[7] who gave him no answer![8]

It was stated:[9] Abaye said,[10] Because[11] he is entitled to confer upon [his wife][12] the right to eat [*terumah*] so long as he does not cohabit with her.[13] Raba said,[10] Because[11] he may confer the right of eating[14] [*terumah*] upon his Canaanitish bondmen and bondwomen.[15]

Abaye did not give the same explanation as Raba because matrimonial *kinyan* may be inferred from matrimonial *kinyan*, but matrimonial *kinyan* may not be inferred from the *kinyan* of slaves. And Raba does not give the same explanation as Abaye because there[16] it is different, since she has already been eating it previously.[17] And Abaye?[18] — [The argument], 'since she has already been eating' cannot be upheld;[19] for should you not admit this,[20] a daughter of an Israelite who was married to a priest who subsequently died should also be allowed to eat *terumah* since she has already been eating it![21]

And Raba?[22] — There,[23] his *kinyan* had completely ceased;[24] here, however, his *kinyan* did not cease.[25]

[To turn to] the main text. R. Johanan enquired of R. Oshaia: If a priest who was wounded in the stones married the daughter of proselytes does he confer upon her the right of eating *terumah*? The other remained silent and made no reply at all. Later, another great man came and asked him a different question which he answered. And who was that man? Resh Lakish. Said R. Judah the Prince to R. Oshaia: Is not R. Johanan a great man?[26] The other replied: [No reply could be given] since he submitted a problem which has no solution.

In accordance with whose view?[27] If according to R. Judah,[28] she is not entitled to eat *terumah* whether he[29] does or does not retain his holiness. For if he retains his holiness she may not eat since the Master said[30] 'The daughter of a male proselyte is like the daughter of a male who is unfit for the priesthood';[31] and if he does not retain his holiness,[32] she may not eat either, since it has been said that the assembly of proselytes is called an 'assembly'![33] If, however, according to R. Jose,[34] she is entitled to eat *terumah* whether he does or does not retain his holiness. For if he retains his holiness she may eat, since he[35] stated that even when a proselyte married a proselyte his daughter is eligible to marry a priest;[36] and if he does not retain his holiness, she may also eat since he[35] said that the assembly of proselytes is not called an 'assembly'![37] It must rather be[38] in accordance with the view of the following Tanna. For we learned: R. Eliezer b. Jacob said, 'A woman who is the daughter of a proselyte must not be married to a priest unless her mother was of Israel',[39] And it is this that his question amounts to: Has only her eligibility[40] increased[41] and consequently she is entitled to eat *terumah*[42] or has perhaps her sanctity also increased[43] and consequently she is not permitted to eat?[44]

Come and hear: When R. Aha b Hinena arrived from the South, he came and brought a Baraitha with him: Whence is it deduced that if a priest, who is wounded in the stones, married the daughter of proselytes, he confers upon her the right to eat *terumah*? For it was stated, But if a priest buy any soul, the purchase of his money[45] etc.,[46] he may eat of it. Now, in accordance with whose view?[47] If it be suggested, 'according to R. Judah', surely [it may be retorted] he stated that whether he[48] does or does not retain his holiness she[49] is not permitted to eat.[50] And if[51] 'in accordance with the view of R. Jose', what need [it may be asked] was there for a Scriptural text? Surely, he[52] stated that whether he[48] does or does not retain his holiness she[49] is permitted to eat! Must it not [consequently be

assumed that it[53] is] in accordance with the view of R. Eliezer b. Jacob? And so it may be inferred that only her eligibility[54] had been increased and that she is consequently permitted to eat. This proves it.

It was stated: Rab said,

To Part *b*

Original footnotes renumbered.

86. Since through the *kinyan* of the betrothal the woman becomes the priest's acquisition and is, therefore, like himself, entitled to eat *terumah* so long as she does not become profaned (a halalah) through actual marriage.

87. The ruling according to R. Eleazar and R. Simeon just deduced.

88. If he married a woman permitted to him.

89. Since he is not permitted to marry any woman.

90. The incapacitated priest, since he is only forbidden to enter into the assembly of the Lord (Deut. XXIII, 2), i.e., to marry a Jewess, but he is permitted to marry a proselyte.

91. Who is not included in the assembly of the Lord. V. *supra* n. 7.

92. *Infra*.

93. As to whether such an incapacitated priest may confer upon the daughter of a proselyte the right of eating *terumah*. Since no answer was given, there is no proof that the right may be conferred at all. The difficulty consequently remains: How could the case of the incapacitated priest who can never confer the right upon others be inferred from the case of one who is, in certain circumstances, entitled to confer such a right?

94. In reply to the difficulty raised. V. *supra* n. 10.

95. The incapacitated priest is entitled to confer upon the woman he betrothed the right to eat *terumah*.

96. In certain other circumstances.

97. Whom he married before he had been incapacitated.

98. After becoming incapacitated (v. *infra* 70a). Since he may confer the privilege of eating *terumah* in this case he may also confer it where the betrothal was unlawful, so long as the woman had not been profaned by him through marriage.

99. [H] so MS.M. (Cur. edd [H] 'enables her to eat').

100. As he may confer the privilege in that case he may also confer it upon the woman he betrothed.

101. Where the incapacity occurred after marriage.

102. Prior to the man's incapacity. This, therefore, provides no proof that a man who is already incapacitated can also confer the privilege.

103. How does he reconcile the difference in two cases?

104. Lit., 'we do not say'.

105. But insist on upholding Raba's distinction.

106. Prior to her husband's death. As in this case the argument is obviously untenable so it is untenable in the case of the incapacitated priest.

107. How can he advance an argument that is untenable in the case cited?

108. Where the priest died.

109. As soon as the priest died, leaving no sons, their marital relationship was completely severed.

110. He is still her husband.

111. And so entitled to a reply.

112. Did R. Johanan ask his question.

113. Who, in Kid. 77a, differs from R. Jose on the question of the daughter of a proselyte.

114. The incapacitated Priest.

115. R. Judah.

116. [H]. As he may not consequently marry a proselyte's daughter she is obviously forbidden to eat of the *terumah*.

117. And the priestly sanctity is consequently no reason for her prohibition to marry a halal.

118. An 'assembly of the Lord' into which an incapacitated person may not enter. (Cf. *supra* p. 382, nn. 7 and 8). The marriage is consequently forbidden and, therefore, confers upon the woman no right to the eating of *terumah*.

119. Did R. Johanan ask his question.

120. R. Jose. [So MS.M. cur. edd.,'a Master said'].

121. Kid. 77a. Hence she is not inferior in this respect to the daughter of an

Israelite.

122. The marriage with her being consequently permissible, the right of eating *terumah* should obviously be conferred upon her.

123. R. Johanan raised his question.

124. Bik. I, 5.

125. Where her mother was of Israel.

126. I.e., is she, if her mother was of Israel, thereby only enabled to marry a priests but is not regarded as a proper daughter of Israel to be included in the 'assembly of the Lord', so as to be forbidden to one incapacitated.

127. In any ease. Even if the incapacitated priest is holy he may marry her. And, as she is not included in the 'assembly' (v. *supra* n. 13), she is not forbidden to marry him.

128. And she is thus included in the 'assembly' and hence forbidden to marry one incapacitated.

129. Since the marriage was a forbidden one.

130. Lev. XXII, 11.

131. The Heb. [H] in the original seems to be a mistake for [H] which is the only word omitted from the Scriptural quotation.

132. Was R. Aha's Baraitha necessary.

133. A priest suffering from the incapacity mentioned in the Baraitha.

134. The woman who married him.

135. Which is contrary to the Baraitha which permits it.

136. Cf. *supra* n. 3.

137. R. Jose.

138. R. Aha's Baraitha,

139. V. *supra* p. 384, nn 13 and 14.

Tractate List

Yebamoth 57b

'The bridal chamber[1] constitutes *kinyan*[2] with ineligible women'[3] and Samuel said, 'The bridal chamber[4] does not constitute *kinyan*[2] with ineligible women'.[3]

Said Samuel: Abba[5] agrees with me in the case of a girl who is under three years of age and one day; since cohabitation with her constitutes no *kinyan*,[6] the bridal chamber[7] also constitutes no *kinyan*.[6]

Raba said, We also learned a similar Baraitha:[8] A girl who is three years of age and one day may be betrothed by cohabitation; if a levir cohabited with her, he has thereby acquired her;[9] one incurs through her the guilt of intercourse with a married woman; she[10] defiles her cohabitor in respect of his imparting defilement to the lower, as well as to the upper couch;[11] if she was married to a priest she may eat *terumah*, and anyone ineligible[12] who cohabited with her causes her ineligibility.[13] Thus only a girl of the age of three years and one day, who is rendered ineligible by cohabitation, is also rendered ineligible through the bridal chamber; but a girl younger than three years and one day, who is not rendered ineligible by cohabitation, is not rendered ineligible through the bridal chamber either.[14] This proves it.

Rami b. Hama stated: [In regard to the question whether] the bridal chamber[15] constitutes *kinyan*[16] with ineligible women,[17] we arrive at a difference of opinion between R. Meir and R. Eleazar and R. Simeon.

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Original footnotes renumbered.

140. Lit., 'there is huppah' (v. Glos.), even if it was unaccompanied by any other form of betrothal such as money, deed, or cohabitation (Rashi). On huppah v. Kid., Sonc. ed. p. 5, n. 7,

141. To deprive the woman of her right to eat *terumah* where, as the daughter of a priest, she had previously been entitled to this privilege.

142. Whom one is not permitted to marry; a widow, e.g., to a High Priest or a divorcee to a common priest. On Rashi's interpretation which is followed here, both Rab and Samuel hold with R. Huna (v. Kid. 3a) that huppah by itself constitutes *kinyan*. They differ, however, in the case of ineligible women, Samuel being of the opinion that huppah with them constitutes no *kinyan*, since it does not allow them to enter into marital union. Rabbenu *Tam*, on the other hand, explains huppah here as having been preceded by *kiddushin* and with reference to the last clause of our Mishnah, the point at issue being whether with ineligible women it is considered nissu'in disqualifying the widow, or erusin; v. Tosaf s.v. [H].

143. If unaccompanied by any other forms of matrimonial *kinyan*. V. *supra* n.

11.

144. I.e., Rab, whose proper name was Abba. The former name (Rab = Master) was a title of honour conferred upon him as the Master par excellence of his time. According to Rashi, a.l., 'Abba' was a term of respect synonymous with 'prince' and 'master' by which Samuel, his younger contemporary, referred to Rab.

145. V. *supra* p. 385, n. 12.

146. Which constitutes *kinyan* only where cohabitation is possible, but which is not the case with a child under the age mentioned.

147. From which the ruling on which Rab and Samuel are in agreement may he inferred.

148. She is deemed to be his legal wife.

149. During her period of menstruation.

150. If he lies on a number of couches (coverlets, bed-spreads, and the like) resting one upon the other, he imparts levitical defilement to all, though he comes in direct contact with the uppermost one only.

151. A bastard, for instance,

152. V, *supra* p. 385, n, 12. Cf. Kid. 10af, v. Sanh. Sonc. ed. p. 376, n. 2.

153. Cf. *supra* note 3.

154. V. p. 385, n, 11.

155. V. *loc. cit*., n. 12.

156. V. *loc. cit*., n. 13.

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Babylonian Talmud: Tractate Yebamoth

Folio 58a

According to R. Meir who holds that the betrothal causes ineligibility, the bridal chamber[1] also causes ineligibility, while according to R. Eleazar and R. Simeon who maintain that betrothal causes no ineligibility the bridal chamber also causes no ineligibility. But whence [is this proved]? Is it not possible that R. Meir advanced his

view only there, in respect of betrothal, whereby *kinyan* is effected, but not in respect of the bridal chamber whereby no *kinyan* is effected![2] Or else: R. Eleazar and R. Simeon may have advanced their view there only, in respect of betrothal, since it is not close to the act of intercourse; but the bridal chamber which is close to the act of intercourse, may well cause ineligibility.

But if anything can be said[3] [it is, that the question[4] depends] on the dispute between the following Tannaim: For it was taught, 'This class or that, [viz.,] eligible or ineligible women, who were married [to a priest], or who only entered [with him] into the bridal chamber without any intercourse having taken place, are entitled to sustenance from his estate and are also permitted to eat terumah'. 'Who only entered [etc.]' implies that 'were married' means that they were actually married![5] Must it not [consequently be concluded that the meaning is], 'as, for instance,[6] when they entered the bridal chamber without any intercourse having taken place'? And yet it was stated that 'they are entitled to sustenance from his estate and are also permitted to eat terumah'.[7] R. Ishmael son of R. Johanan b. Beroka said: Any woman whose cohabitation entitles her to the eating of *terumah* is also entitled to the eating of it through her entry into the bridal chamber, and any woman upon whom cohabitation does not confer the right to eat *terumah* is not entitled through her entry into the bridal chamber also to the eating of it.[8]

Whence, [however, the proof]? Is it not possible that R. Ishmael son of R. Johanan b. Beroka is of the same opinion as R. Meir, who maintains that through betrothal alone a woman is not entitled to eat! — Instead, then, of the statement 'Any woman upon whom cohabitation does not confer the right to eat *terumah* is not entitled through her entry into the bridal chamber also to the eating of it', the statement should have run, 'Any woman upon whom cohabitation does not confer the right to eat *terumah*, is not entitled through her money[9] also to the eating of terumah'. But is it not possible that as the first Tanna spoke of the bridal chamber he also spoke of the bridal chamber!

R. Amram stated, The following ruling was given to us by R. Shesheth and he threw light on the subject[10] from a Mishnah: The bridal chamber constitutes *kinyan* with ineligible women.[11] And the following Tanna taught the same thing:[12] 'Amen[13] that I[14] have not gone aside[15] as a betrothed, as a married woman, as one awaiting the decision of the levir or as one taken [by the levir]'.[16] Now, how is one to imagine the case of the 'betrothed'? If it be suggested that she was one who was warned[17] while she was betrothed, and then she secluded herself[18] and is now made to drink[19] while she is still only betrothed; is a betrothed [it may be asked] subject to the drinking? Surely we learned: A betrothed or one awaiting the decision of a levir neither drinks[20] nor receives a *kethubah*![21] Should it, however, [be suggested that she is one] who was warned while she was betrothed, and then she secluded herself,[22] and is now made to drink when she is already married; do the waters [it may be asked] test her? Surely it was taught: And the man shall be clear from iniquity,[23] only when the man is 'clear from iniquity' do the waters test his wife; when, however, the man is not 'clear from iniquity'[24] the waters do not test his wife![25] Consequently [she[26] must be one] who was warned while she was betrothed and then she secluded herself,[22] and subsequently entered the bridal chamber but there was no cohabitation. Thus[27] it may be inferred that the bridal chamber alone constitutes *kinyan*[28] with ineligible women.[29] Said Raba: Do you think that this[30] is an authenticated

statement?[31] Surely when R. Aha b. Hanina[32] arrived from the South, he came and brought a Baraitha with him: Besides thy husband,[33] only when the cohabitation of the husband preceded that of the adulterer, but not when the cohabitation of the adulterer preceded that of the husband! Rami b. Hama replied: This[34] is possible where, for instance, he[35] cohabited with her while she was only betrothed and still in the house of her father. Similarly in respect of the woman awaiting the decision of the levir[36] [it must obviously be a case] where the man cohabited with her in the house of her father-in-law![37]

To Part *b*

Original footnotes renumbered.

157. Even in the absence of betrothal.

158. The bridal chamber alone without the additional *kinyan* of money, deed, or cohabitation is of no validity. V. Kid. 5a.

159. On the lines of Rami b. Hama's statement.

160. Whether the bridal chamber constitutes *kinyan* with ineligible women. (Cf. *supra* p. 385, nn. 11 and 13).

161. Otherwise both expressions would have meant exactly the same classes. But this meaning is impossible in view of the fact that after actual marriage it is unanimously agreed that the woman is ineligible to eat *terumah*!

162. I.e., the expression 'or', [H] is to be understood as the equivalent of 'as for instance' [H], and the clause following is an illustration of the preceding one.

163. Which proves that, even where the union was a forbidden one, the entry into the bridal chamber alone does not deprive a woman of the right of eating *terumah* if she was previously entitled to it.

164. If she was the daughter of an Israelite (v. Keth. 57a). As the bridal chamber and cohabitation are in this case placed on the same level, it follows that in the case of the daughter of a priest also, if she loses her right to the *terumah* by cohabitation, she also loses it by entry into the bridal chamber. Thus it has been shewn that the question referred to by Rami b. Hama is a matter of dispute between the first Tanna and R. Ishmael son of R. Johanan b. Broka.

165. The token of betrothal.

166. Lit., 'and he lit up our eyes'.

167. Cf. *supra* p. 385, nn. 11 and 13.

168. [H]. *supra* p. 378, n. 3.

169. As the term was repeated (v. Num. V, 22) it includes all the following.

170. I.e., the sotah who confirms the declaration (v. Num. V, 19).

171. 'Have not been faithless'. Cf. ibid. vv. 19, 20.

172. Where the levir suspects her of infidelity, v. Sotah 18a, Kid. 27b.

173. That she must not hold secret meetings with a certain man.

174. With the man. V. BaH. Cur. edd. omit, 'and then … herself'.

175. The 'water of bitterness (cf. Num. V, 18 and ibid. 17).

176. The 'water of bitterness' (cf. Num. V, 18 and ibid. 17.

177. If she secluded herself with the suspected man and if, in consequence of this, she is divorced by her husband. V. Sotah 23b, Kid. 27b, Sifre, Nasso,

178. With the suspected man, during the period of her betrothal.

179. Num. V, 31.

180. As in this case where he married her, despite her intimacy with the suspected man during her betrothal which had caused her prohibition to him.

181. Sotah 28a, 47b, Shebu. 5a, Kid. 27b.

182. The betrothed spoken of,

183. Since the woman is subjected to the test of the water though no cohabitation had taken place.

184. In the absence of cohabitation. Had not the bridal chamber constituted the *kinyan*, which brought the woman within the category of marriage, she would not have been subject to the test to which a married woman only must submit. (Cf. Num. V, 19, being under thy husband).

185. Among whom the Sotah is, of course, included. Cf. *supra* n. 5.

186. The Mishnah cited by R. Shesheth.

187. [H] (rt. [H], 'to be right'), a version the correctness of which has been upheld by refuting all objections raised against it.

188. Cf. *supra* 57a where the reading is 'Hinena'.

189. Num. V, 20.

190. The Mishnah cited by R. Shesheth.

191. The husband.

192. Since in her case also the cohabitation of the levir must precede that of the adulterer. Alternatively: Since she also is not subject to the test of the water.

193. So that his cohabitation took place prior to that of the suspected adulterer, which was also preceded by the warning of the levir and followed by the bridal chamber but by no cohabitation; and the woman is submitted to the test of the water of bitterness in respect of her suspected act during her betrothal! Alternatively: Since in her case, unlike that of the betrothed, the *kinyan* of the bridal chamber is not applicable.

Tractate List

Yebamoth 58b

Why then, do you call her 'a woman awaiting the decision of the levir' [when such a woman] is in fact his proper wife, since Rab had stated, 'kinyan is constituted in all respects'?[1] — [The Mishnah is] in accordance with the view of Samuel who stated, 'Kinyan is constituted only in respect of the things specified in the section'.[2]

Is not this[3] adduced only as a reason and support for the opinion of Rab?[4] And Rab, surely, had said that 'Kinyan is constituted in all respects'![5] — Here we are concerned with a case where for instance he[6] addressed to her a ma'amar,[7] and it[3] represents the view of Beth Shammai who maintain that a ma'amar constitutes a perfect *kinyan*.[8] If so, she would be identical with the 'betrothed woman'![9] — And according to your view, has not a 'married woman' and 'one taken [by the levir]' the same status?[10] But [the explanation must be that] 'a married woman' refers to one's own wife, and 'one taken [by the levir]' refers to that of another man.[11] So here also 'betrothed' means his own and 'a woman awaiting the decision of the levir', that of another.[11]

R. Papa said: It[12] represents the view of the following Tanna.[13] For it was taught: It is not permissible to warn a betrothed woman in order that she may be made to drink[14] while she is betrothed. She may, however, be warned in order that she may be made to drink when she is already married.[15] R. Nahman b. Isaac explained: By implication.[16]

R. Hanina sent [an instruction] in the name of R. Johanan: A levir who addressed a ma'amar to his yebamah, while he has a living brother, causes her disqualification from the eating of *terumah*[17] even if he is a priest and she the daughter of a priest.[18] According to whom?[19] If it be suggested, according to R. Meir, it is possible [it might be objected that] R. Meir said that one that is subject to an illegitimate cohabitation[20] is not permitted to eat *terumah* [only when the cohabitation is] Pentateuchally forbidden;[21] did he, however, say [that the same law holds when the prohibition is only] Rabbinical? [Is it], however, [suggested that it was made] according to R. Eleazar and R. Simeon? [It may be objected]: If the eating of *terumah* is permitted to one who is subject to a cohabitation

which is pentateuchally forbidden, is there any need to speak of one which is only Rabbinically forbidden! When Rabin, however, came[22] he stated: Where a levir addressed a ma'amar to his yebamah, all[23] agree that she is permitted to eat *terumah*. If he has a profaned brother,[24] all[23] agree that she is not permitted to eat.[25] They only differ where he[26] gave her[27] a letter of divorce:[28] R. Johanan maintains that she may eat, and Resh Lakish maintains that she may not eat. 'R. Johanan maintains that she may eat', for even the statement of R. Meir who holds that she may not eat applies only to one subject of a Pentateuchally forbidden cohabitation; where, however, it is only Rabbinically forbidden she may eat. 'And Resh Lakish maintains that she may not eat' for even the statement of R. Eleazar and R. Simeon, who hold that she may eat, applies only to one who has elsewhere the right[29] to confer the privilege of eating, but not in this case,[30] since he has no right[31] to confer the privilege elsewhere. And should you suggest that here also he has the right[31] to confer the privilege of eating in the case where she returns,[32] [it may be retorted that] one who returns[32] severs her connection with him and resumes her relationship with her father's house;[33] but this woman[34] remains bound to him.[35]

IF THEY BECAME WIDOWS OR WERE DIVORCED etc. R. Hiyya b. Joseph enquired of Samuel: If a High priest betrothed a minor, who became adolescent[36] during her betrothal with him,[37]

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Original footnotes renumbered.

194. *Supra* 56a, and the woman is regarded as his wife even if the cohabitation was not intended to serve as a legal matrimonial *kinyan*.

195. Cf. *loc. cit*. and notes.

196. The Mishnah cited by R. Shesheth.

197. Who, contrary to the opinion of Samuel, maintains that the bridal chamber does constitute *kinyan* with ineligible women (*supra* 57b).

198. V. *supra* note 3.

199. The levir.

200. And then cohabited with her adulterously in her father-in-law's house, with no intention of effecting a legal *kinyan*. Alternatively: Only a ma'amar was addressed to her but no cohabitation at all took place. The cohabitation of the adulterer which, according to this interpretation, precedes that of the levir does not affect the legality of the water test since in any case the cohabitation of the first husband (the deceased brother) preceded.

201. *Supra* 29b. The sister-in-law thus loses entirely her former status of 'widow of a deceased brother' and assumes that of a 'betrothed woman'. Subsequent intercourse with her unless accompanied by the entry into the bridal

chamber does not, therefore, change her status, as is the case where no ma'amar had been addressed, to that of a married woman. Her description, consequently, can only be that of 'one awaiting the decision of the levir'.

202. Whose case had been specifically mentioned. Why should the same law be mentioned twice?

203. And both were nevertheless specified.

204. I.e., his brother's widow whom he married.

205. The Mishnah cited by R. Shesheth.

206. It being a case where the warning was given during betrothal, and the seclusion with the man took place after marriage and cohabitation. The water test is applied on the basis of that warning. Alternatively: The warning was given during betrothal and it was followed by the seclusion with the man, the test being applied after marriage. The previously cited deduction, that when the husband is not clear from iniquity the test is not admissible, is not accepted by this authority.

207. The water of bitterness.

208. Sotah 25a. The man in such a case is clear from iniquity. No proof may consequently be adduced from the Mishnah cited by R. Shesheth that the bridal chamber constitutes *kinyan*. Alternatively: This Tanna does not accept the deduction in respect of the husband's clearness from iniquity. (V. *supra* n. 4, end).

209. [H], v. Kid. 27b. The oath the woman is made to take at the drinking of the water of bitterness in respect of the days of her betrothal is not a direct oath but one added to that which she takes in connection with a suspected act after her marriage.

210. Until marriage had been consummated.

211. Because (v. *infra*) his brother might cohabit with her and thus cause her prohibition to marry either of them (v. *supra* 50b).

212. Was R. Johanan's statement made.

213. As, e.g., in this case, where either brother might marry her, while the cohabitation of one of them is Rabbinically forbidden.

214. E.g., a widow to a High Priest.

215. From Palestine to Babylon.

216. R. Johanan as well as Resh Lakish.

217. Halal (v. Glos.) whose cohabitation would disqualify her.

218. Even though she is the daughter of a priest and even where the ma'amar

had been addressed to her by a qualified priest, she is forbidden to eat *terumah*, owing to her being subject at least to one Pentateuchally forbidden cohabitation. Even R. Eleazar and R. Simeon who allow *terumah* in the case of a widow to a High priest do not allow it here since, unlike the High Priest who in cases other than that of the widow and the like is entitled to confer the right, the halal can never confer such a privilege upon anyone.

219. A levir who was a priest.

220. His yebamah who was the daughter of a priest.

221. Which Rabbinically causes her prohibition to the levir, while Pentateuchally she is still awaiting cohabitation with him. She is thus awaiting a cohabitation which is Rabbinically forbidden.

222. Through a similar act of betrothal.

223. Where a letter of divorce was given.

224. By means of a similar act of divorce.

225. To the house of her father, if she was the daughter of a priest. Cf. Lev. XXII, 13.

226. Her regaining the privilege of eating *terumah* is due to her relationship not with him but with her father's family.

227. To whom the letter of divorce was given.

228. Since a letter of divorce does not sever the levirate bond.

229. [H] v. *infra* p. 394 n. 7; perhaps of advanced age, when she is no more in possession of her full virgin powers (cf. Golds. a.l.). Such a woman is forbidden to a High priest by deduction from Lev. XXI, 13 And he shall take a wife in her virginity.

230. Lit., 'under him'.

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Babylonian Talmud: Tractate Yebamoth

Folio 60a

that he pays no fine[1] in the case of a seduced woman.[2]

R. Gebiha of Be Kathil[3] came and repeated the reported ruling[4] in the presence of R. Ashi, whereupon the other said to him: Surely both Rab and R. Johanan stated '[a High Priest] must not marry a woman who is adolescent[5] or "wounded",[6] but if he married her, the marriage is valid', which clearly proves [that he may continue to live with the woman because in any case] she would ultimately have become adolescent and would ultimately have been 'wounded' by living with[7] him; here also[8] [she should be permitted to live with him because] ultimately she would have become a be'ulah by living with[7] him! — This is a difficulty.

'He shall not marry a woman whom another man has outraged or seduced. If he did marry her, the child, said R. Eliezer[9] b.Jacob, is profaned; but the Sages said: The child is fit'.[10] Said R. Huna in the name of Rab: The *halachah* is in agreement with R. Eliezer b. Jacob; and so said R. Giddal in the name of Rab: The *halachah* is in agreement with R. Eliezer b. Jacob. Others say: R. Huna stated in the name of Rab. What is R. Eliezer b. Jacob's reason?[11] — He is of the same opinion as R. Eleazar.[12] But is the former of the same opinion as the latter? Surely we have an established tradition that 'the teaching of R. Eliezer b. Jacob is small in quantity, but select',[13] while in this case R. Amram[14] stated that the *halachah* is not in accordance with R. Eleazar![15] — This is a difficulty.

R. Ashi explained: They[16] differ [on the question whether the offspring] of a union forbidden by a positive commandment[17] is deemed to be a halal. R. Eliezer b. Jacob is of the opinion [that the offspring] of a union forbidden by a positive commandment is deemed to be a halal while the Rabbis are of the opinion that the offspring of a union forbidden by a positive commandment is no halal. What is R. Eliezer b. Jacob's reason? — Because it is written, A widow, or one divorced, or a profaned woman, or a harlot, these shall he not take,' but a virgin etc.,[18] and this is followed by the Scriptural injunction, And he shall not profane[19] his seed among his people,[20] which refers to all.[21] And the Rabbis?[22] — [By the expression] these[18] the context is broken up.[23] But R. Eliezer b. Jacob maintains that the expression, these,[18] serves the purpose of excluding the menstruant.[24]

Whose view is represented in the following statement wherein it was taught: [Only the offspring] of these[25] is to be regarded a halal but no offspring of a menstruant is to be deemed a halal.[26] — Whose view? That of R. Eliezer b. Jacob. But on the view of R. Eliezer b. Jacob, the expression these[26] should have been written at the end![27] — This is a difficulty.[28]

Our Rabbis taught: For a betrothed sister,[29] R. Meir and R. Judah said, [a common priest][30] may defile himself.[31] R. Jose and R. Simeon said: He may not defile himself for her. For [a sister who was] outraged or seduced, all agree that he may not defile himself.[31] As to one 'wounded',[32] R. Simeon says he may not defile himself for her; for R. Simeon maintains that he may defile himself for one who is fit for a High Priest,[33] but he may not defile himself for one who is not fit for a High Priest.[34] For one who is adolescent, all agree[35] that he may defile himself.[36]

What is R. Meir's and R. Judah's reason? — They make the following exposition: And for his sister a virgin,[37] excludes one who had been outraged or seduced.[38] It might be assumed that one who was 'wounded' is also to be excluded.[39] Hence it was specifically

stated, That hath had no husband,[37] only she whose condition is due to a man [is excluded][39] but not one[40] whose condition is not due to a man. That is near,[37] includes a betrothed [sister]; *unto him*,[37] includes a sister who is adolescent.

What need was there for a Scriptural text in this case?[41] Surely R. Meir stated, 'virgin implies even [one who retains] some of her virginity'![42] — It was required, because it might have been assumed that the expression of virgin[43] shall be deduced from virgin elsewhere;[44] as there it refers to a na'arah[45] only, so here also it refers to a na'arah[45] only, hence we were taught [that the case here is different]. And what are the reasons of R. Jose and R. Simeon? — They make the following exposition: And for his sister a virgin,[43] excludes one who has been outraged, seduced or wounded;[46] that hath had no,[43] excludes one who is betrothed; that is near,[43] includes a betrothed who had been divorced; *unto him*,[43] includes one who is adolescent. 'That is near, includes a betrothed who had been divorced';

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Original footnotes renumbered. See Structure of the Talmud Files

231. Prescribed in Ex. XXII, 16.

232. The marriage exempts him from the fine (v. ibid. 15-16).

233. [On the Tigris N. of Bagdad, v. Obermeyer, pp. 143 ff].

234. That of R. Huna in the name of Rab, *supra* 59b ad fin.

235. Bogereth, v. Glos.

236. V. our Mishnah.

237. Lit., 'under'.

238. Cf.*supra* note 8.

239. Cur. edd., 'Eleazar' is apparently a misprint.

240. *Supra* 59b.

241. For declaring the child to be a halal.

242. Who stated, *infra* 61b, that intercourse for a non-matrimonial purpose between an unmarried man and an unmarried woman renders the latter a harlot, cohabitation with whom is forbidden by a negative commandment, and any issue therefrom is deemed to be a halal.

243. *Supra* 49b, q.v. for notes.

244. V. BaH. Cur. edd. add, 'in the name of Rab'.

245. V. *infra* 61b.

246. R. Eliezer b. Jacob (who in fact is in disagreement with R. Eleazar), and the Rabbis.

247. Such as that between a High Priest and a be'ulah which is forbidden owing to the positive commandment that he must marry a virgin.

248. Lev. XXI, 14.

249. I.e., cause the child to be a halal.

250. Ibid. 15.

251. That were previously enumerated, including the prohibition to marry a be'ulah, which is derived from the positive commandment *a virgin ... shall he take to wife'*.

252. Why, in view of this Scriptural proof do they not regard such offspring as a halal?

253. Thus separating those subject to the penalty of a negative commandment from those who are subject to the penalty of a positive commandment. The reference to profanation (halal) applies only to the former.

254. If a priest cohabited with his wife while she was in such a condition, the child is not to be regarded as a halal.

255. Those enumerated in Lev. XXI, 14.

256. Lev. XXI, 14.

257. Of Lev, XXI, 14, since in his opinion it was not meant to break up the text. Cf. *supra* p. 399, n. 13.

258. According to R. Ashi who explained the dispute to be dependent on the interpretation of Lev. XXI. 14, 15.

259. Who died,

260. Who is forbidden to defile himself for his married sister. V. Lev. XXI, 3,

261. The reason is given *infra*.

262. V. our Mishnah,

263. I.e., a virgin.

264. Since virgin was mentioned in both cases (v. Lev. XXI, 3 and 14). As the 'wounded' is not permitted to a High Priest she is obviously not deemed to be a virgin. Hence she can no longer be regarded as a virgin in the matter of a priest's defilement either.

265. Even R. Meir who forbids a High Priest to marry her.

266. The reason is given *infra*.

267. Lev. XXI, 3.

268. Who cannot be regarded as a virgin.

269. From the term of virgin. Since she also has lost her virginity.

270. Lit., 'this went out'.

271. To include one who is adolescent.

272. *Supra* 59a and notes. Since virgin includes one who is adolescent, what need was there again for the text of *'unto him'* to include her?

273. Lev. XXI, 3.

274. Deut, XXII, 28, dealing with a case of outrage.

275. [H] one of the age of twelve to twelve and a half years.

276. V. our Mishnah.

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Yebamoth 60b

but, surely, R. Simeon said, 'He may defile himself for one who is fit for a High Priest, but may not defile himself for one who is not fit for a High Priest'![1] — There[2] it is different, because the All Merciful has included her [by the expression] near.[3] If so, the 'wounded' also should be included! — Near[3] implies one and not two. And what [reason for this][4] do you see? — To the body of the one something had been done while to that of the other nothing had been done.

As to R. Jose, since his colleague[5] had left him,[6] it may be inferred that in respect of the 'wounded', he himself is of the same opinion as R. Meir.[7] Whence, however, does he derive it? — From That hath had no man. But deduction,[8] surely, had already been made[9] from this text! — One[8] is deduced from That hath had no and the other[10] from man.[11]

Dilling Exhibit 159
Begins

'"*Unto him*", includes one who is adolescent'. But surely R. Simeon stated that '*virgin*' implied a perfect virgin![12] — His reason there is also derived from here, because he makes the following exposition: since [the Scriptural text], '*unto him*', was required to include one who is adolescent, it is to be inferred that '*virgin*' implies a perfect virgin.

It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest,[13] for it is said, *But all the women children that have not known man by lying with him, keep alive for yourselves*,[14] and Phinehas[15] surely was with them. And the Rabbis?[16] — [These were kept alive] as bondmen and bondwomen.[17] If so,[18] a proselyte whose age is three years and one day[19] should also be permitted! — [The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, *Kill every woman that hath known man by lying with him*,[20] but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, *But all the women children, that have not known man by lying with him, keep alive for yourselves*,[14] but do not spare them if they have known. Consequently[21] it must be said that Scripture speaks of one who is fit[22] for cohabitation.[23]

It was also taught likewise: *And every woman that hath known man*;[20] Scripture speaks of one who is fit[23] for cohabitation. You say, 'Of one who is fit for cohabitation'; perhaps it is not so but of one who had actual intercourse? — As Scripture stated, *But all women children, that have not known man by lying with him*,[24] it must be concluded that Scripture speaks of one who is fit for cohabitation.[23]

Dilling Exhibit 160
Begins

Whence did they know?[25] — R. Hana[26] b. Bizna replied in the name of R. Simeon the Pious: They were made to pass before the frontplate.[27] If the face of anyone turned pale[28] it was known that she was fit for cohabitation; if it did not turn pale[28] it was known that she was unfit for cohabitation.

R. Nahman said: Dropsy is a manifestation of lewdness.

Similarly, it is said, *And they found among the inhabitants of Jabesh-gilead four hundred young virgins, that had not known man by lying with him*;[29] whence did they know it?[30] R. Kahana replied: They made them sit upon the mouth of a wine-cask. [Through anyone who had] had previous intercourse, the odour penetrated; through a virgin, its odour did not penetrate. They should have been made to pass before the frontplate![31] — R. Kahana son of R. Nathan replied: It is written, *for acceptance*,[32] for acceptance but not for punishment. If so, the same should have applied at Midian also![33] R. Ashi replied: It is written, '*unto them*', implying *unto them*[34] for acceptance but not for punishment; unto idolaters,[35] however, even for punishment.[36]

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The *halachah* is in agreement

with R. Simeon b. Yohai.[37] Said R. Zera to R. Jacob b. Idi: Did you hear this[37] explicitly or did you learn it by a deduction? What [could be the] deduction? — As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day,[38] and Rabbi declared her eligible to live with a priest.[39] The other[40] replied:[41] I heard it explicitly. And what [matters it] if it[42] was learned by deduction?[43] — It is possible that there[44] it was different; since the marriage had already taken place he sanctioned it; for, indeed, both Rab and R. Johanan stated: A priest may not marry one who is adolescent or 'wounded', but if already married, he may continue to live with her. How now! There it is quite correct [to sanction the marriage since in any case] she would ultimately become adolescent while she[45] will be with him,[46] and she would also ultimately become a be'ulah while with him;[46] but here, would she ultimately become a harlot[47] while with him?[48] R. Safra taught [that he[40] arrived at it][42] by deduction, and, having raised the difficulty,[49] answered it in the same way.[50]

A certain priest married a proselyte who was under the age of three years and one day. Said R. Nahman b. Isaac to him: What [do you mean by] this?[51] — The other replied: Because R. Jacob b. Idi stated in the name of R. Joshua b. Levi that the *halachah* is in agreement with R. Simeon b. Yohai.[52] 'Go', the first said, 'and arrange for her release, or else I will pull R. Jacob b. Idi out of your ear'.[53]

It was taught: And so did R. Simeon b. Yohai state

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Original footnotes renumbered. See Structure of the Talmud Files

277. One divorced is not fit for a High Priest!

278. Defilement by a common priest.

279. [H] sing.

280. To exclude the one and include the other.

281. R. Simeon who, in respect of the betrothed, expressed the same opinion as R. Jose (*supra* 60a).

282. So BaH. Cur. edd., 'since he left his colleague'. R. Simeon only is mentioned in the case of the wounded.

283. That the priest may defile himself for her.

284. The exclusion of the betrothed.

285. By R. Jose.

286. Permission to marry the wounded.

287. Only when her condition was due to the action of a man is she forbidden.

288. *Supra* 59a. One who is adolescent is no more a perfect virgin.

289. She is not regarded as a harlot.

290. Num. XXXI, 18.

291. Who was a priest.

292. How could they, contrary to the opinion of R. Simeon b. Yohai, which has Scriptural support, forbid the marriage of the young proselyte?

293. Not for matrimony.

294. That, according to R. Simeon, Num. XXXI, 18 refers to matrimony.

295. So long as she has *'not known man'*.

296. Num. XXXI, 17.

297. To reconcile the contradiction.

298. I.e., one who had attained the age of three years and one day.

299. Not one who had actually experienced it.

300. Implying that any grown-up woman is not to be spared, even if she *hath not known man*.

301. Which of the Midianite women, referred to in the texts quoted, was, or was not fit for cohabitation.

302. Cur. [edd.], 'Huna'.

303. [H] the gold plate which was worn by the High Priest on his forehead. V, Ex. XXVIII, 36ff.

304. Lit., '(sickly) green'.

305. Judges XXI, 12.

306. Cf. *supra* n. 1 *mutatis mutandis*.

307. As was done in the case of the Midianites (v. *supra*).

308. Ex. XXVIII, 38, referring to the front-plate.

309. Why then was the test there performed before the plate?

310. Israelites, as were the inhabitants of Jabesh-gilead.

311. As were the Midianites.

312. By the front-plate.

313. That a proselyte under the age of three years and one day may be married by a priest.

314. And was married to a priest.

315. I.e., permitted her to continue to live with her husband.

316. R. Jacob b. Idi.

317. To R. Zera.

318. V. *supra* p. 403. n. 13.

319. From the incident in the Palestinian city. Why then was R. Zera anxious to ascertain the manner whereby the ruling was obtained?

320. The incident in Palestine.

321. Even if she were now virgo intacta.

322. The union is consequently allowed to remain.

323. Which is the prohibition under which a priest may not marry the proselyte mentioned.

324. Obviously not. Hence, it may well be concluded that were she not allowed to marry a priest, the union would have had to be dissolved even after marriage had taken place.

325. Mentioned *supra*. that an ex post facto may be different.

326. Had it not been permitted originally the marriage would have had to be annulled even ex post facto.

327. I.e., on what authority did you contract the marriage.

328. V. *supra* p. 403. n. 13.

329. He would place him under the ban and thus compel him to carry out his decision which is contrary to that of R. Jacob b. Idi.

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Babylonian Talmud: Tractate Sanhedrin

Folio 54a

It has been taught in support of Raba; [And the man that lieth with his father's wife hath uncovered his father's nakedness: both of them shall surely be put to death,' their blood shall be upon them.][1] The man excludes a minor; that lieth with his father's wife, implies whether she is his mother or not. Whence do I know that his mother who is not his father's wife [is also thus forbidden]? — From the verse, [he] hath uncovered his father's nakedness. For this is redundant,[2] in order that an analogy may be drawn therefrom and identity of meaning based on a gezerah shawah deduced.[3] [They] shall surely be put to death, by stoning. You say, by stoning; but perhaps it means by one of the other deaths decreed in the Torah? — The Writ saith here, their blood shall be upon them; and in the case of a necromancer or a wizard, the Writ saith likewise, their blood shall be upon them;[4] just as there, stoning is meant, so here too. Now, in this verse, we are informed of the penalty: whence do we know the formal prohibition?[5] — From the verse, The nakedness of thy father … shalt thou not uncover:[6] the nakedness of thy father means thy father's wife. You say so: but perhaps it has its literal meaning?[7] — It is here said, The nakedness of thy father … shalt thou not uncover; and elsewhere[8] it is said, [he] hath uncovered his father's nakedness: just as there the reference is to the opposite sex, so here too; and it implies his father's wife, whether his mother or not. Whence do we know [that this law applies to] his mother, even if she is not his father's wife? — From the verse, The nakedness of thy mother thou shalt not uncover. From this I learn only the formal prohibition, viz., that the Scripture interdicts his mother, though not his father's wife, just as his father's wife. Whence do I derive the punishment?[9] — It is here stated, the nakedness of thy father … thou shalt not uncover,' and It is said elsewhere, [he] hath uncovered his father's nakedness: just as the Writ assimilated his mother, when not his father's wife, to his mother who was also his father's wife, in respect of formal prohibition, so it assimilated her in respect of punishment. She is thy mother; this teaches, you must punish him in respect of her as a mother, but not as his father's wife.[10] But the Rabbis contend: the nakedness of thy father is literally meant. But is this not taught by the verse: Thou shalt not lie with mankind as with womankind?[11] — This teaches that a double penalty is incurred; and as Rah Judah said: If a heathen committed pederasty with his father or with his paternal uncle he incurs a double penalty. Raba said: This dictum of Rab Judah presumably refers to a Jew, the offence having been committed unwittingly, and the penalty mentioned being a sacrifice; whilst the designation 'heathen' is a euphemism.[12] For if you will say that he meant a heathen literally, what is his penalty? Death! Will you slay him twice? It has been taught likewise: He who commits pederasty with his father or with his paternal uncle incurs a twofold penalty. Some say that this does not agree with R. Judah [of the Mishnah].[13] But others maintain that this may agree even with R. Judah, and he deduces a twofold penalty by reasoning from the minor to the major, basing his argument upon the law pertaining to a paternal uncle, [thus:] If for a paternal uncle, who is but a relation of one's father, a twofold penalty is incurred,[14] how much more so is a double penalty incurred for pederasty with one's father. These two conflicting views are involved in the dispute of Raba and Abaye,[15] one maintaining that punishment is imposed as a result of a minor to a major conclusion, the other maintaining

that It is not.[16]

Now, whence do the Rabbis derive a formal prohibition against a father's wife?[17] — From the verse, The nakedness of thy father's wife thou shalt not uncover.[18] And R. Judah? — He maintains that this verse interdicts her after his father's death. And the Rabbis? They maintain that this is derived from it is thy father's nakedness.[19] And R. Judah? — He utilises it to teach that he is punished in respect of her as his father's wife, but not as a married woman.[20] But we have learnt, ONE WHO COMMITS INCEST WITH HIS FATHER'S WIFE INCURS A PENALTY IN RESPECT OF HER BOTH AS HIS FATHER'S WIFE AND AS A MARRIED WOMAN. [HE IS GUILTY IN RESPECT OF THE FORMER] BOTH DURING HIS FATHER'S LIFETIME AND AFTER HIS DEATH; and R. Judah does not dispute it? — Abaye answered: He does dispute it in the Baraitha.

Now, whence do the Rabbis derive punishment for incest with one's father's wife after the former's death? It is all well according to R. Judah, for he derives it by means of the *gezerah shawah*; but whence do the Rabbis derive it? They answer thus: [he] hath uncovered his father's nakedness,[21] which R. Judah utilises for a *gezerah shawah*, is rather to be employed as teaching punishment for incest with one's father's wife after his death.

Now, whence do the Rabbis derive punishment for incest with one's mother who is not his father's wife?[22] — R. Shisha the son of R. Iddi said: The Writ saith, she is thy mother,[23] thereby teaching that one's mother, even if not his father's wife, is exactly as his father's wife.[24]

HE WHO COMMITS INCEST WITH HIS DAUGHTER-IN-LAW, etc. Why is he not also guilty in respect of her as his son's wife?[25] — Abaye answered: The Writ commences with his daughter-in-law, and concludes with his son's wife,[26] teaching that they are identical.[27]

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MISHNAH. HE WHO COMMITS SODOMY WITH A MALE OR A BEAST, AND A WOMAN THAT COMMITS BESTIALITY ARE STONED. IF THE MAN HAS SINNED, WHEREIN HAS THE ANIMAL OFFENDED? BUT BECAUSE MAN WAS ENTICED TO SIN THEREBY,[28] SCRIPTURE ORDERED THAT IT SHOULD BE STONED. ANOTHER REASON IS THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS, WHILST PEOPLE SAY, THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED.

GEMARA. Whence do I know that pederasty is punished by stoning? — Our Rabbis taught: [If a man lieth also with mankind, as the lyings of a woman,[29] both of them have committed on abomination: they shall surely be put to death; their blood shall be upon them,][30] A man — excludes a minor; [that] lieth also with mankind — denotes whether

an adult or a minor; as the lyings of a woman — this teaches that there are two modes of intimacy,[31] both of which are punished when committed incestuously. R. Ishmael said: This verse comes to throw light [upon pederasty] but receives illumination itself.[32] They shall surely be put to death: by stoning. You say, by stoning: but perhaps some other death decreed in the Torah is meant? — Their blood shall be upon them is stated here, and also in the case of one who has a familiar spirit or is a wizard:[33] just as there the reference is to stoning, so it is here too.

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330. Lev. XX, 11.

331. In a *gezerah shawah*, the word used as a basis of deduction must be otherwise redundant ([H]), being required for no other purpose. This is the opinion of R. Ishmael and R. Eliezer; the former deeming it sufficient if the redundancy is in one of the passages only, the latter insisting that the word must be superfluous in both. R. Akiba, however, maintained that such redundancy, even in one passage, is unnecessary.

332. The *gezerah shawah*, whereby this phrase is made to include one's mother, is given further on.

333. Lev. XX, 27. A man also or a woman that hath a familiar spirit (i.e., a necromancer), or that is a wizard, shall surely be put to death: they shall stone them with stones, their blood shall be upon them.

334. It is an axiom that before punishment can be imposed for any act, it must be explicitly prohibited. Now the whole of this verse merely decrees the punishment to be inflicted: hence the Talmud asks, where in the formal prohibition?

335. Ibid. XVIII, 7.

336. In which case it should be part of the wider injunction of Lev. XVIII, 22: Thou shalt not lie with mankind as with womankind.

337. Ibid. XX, 11.

338. I.e., that it is a punishable offence too; for no punishment is mentioned in this verse.

339. Thus the whole Baraitha supports Raba's statement.

340. Lev. XVIII, 22.

341. Not wishing to ascribe such a gross offence to a Jew.

342. Since he does not interpret the verse, the nakedness of thy father, literally, there is only one prohibition against pederasty, viz., that of Lev. XVIII, 22; hence in his view there is only one penalty, no matter with whom the offence is committed.

343. This is deduced from the verse (Lev. XVIII, 14), thou shalt not uncover the nakedness of thy father's brother, thou shalt not approach to his wife. Since his wife is specifically prohibited, the first half of the verse must be understood literally. Consequently, it is twice prohibited. (for it is also included in the prohibition of Lev. XVII, 22) and hence a double penalty is incurred.

344. *Infra* 76a.

345. On the first view R. Judah may hold that a double penalty is incurred for pederasty with one's father. But on the second, this cannot be so. For he does not interpret the nakedness of thy father literally. Hence there is only one injunction (Lev. XVIII, 22) against this, and consequently only one penalty, the ad majus conclusion being insufficient to impose one.

346. Since they interpret the nakedness of thy father literally.

347. Ibid. XVIII, 8.

348. Which being redundant, extends the prohibition to after his father's death.

349. As she stands in a double relationship to him, being his father's wife and at the same time a married woman, which is separately forbidden in Lev. XVIII, 20, the emphatic 'she is thy father's nakedness' shews that the latter relationship is not considered in this matter.

350. Ibid. XX, 11.

351. This being nowhere stated.

352. Ibid XVIII, 7.

353. I.e., the emphasis of the clause teaches that.

354. Since there are two prohibitions, viz. Thou shall not uncover the nakedness of thy daughter-in-law; and, she is thy son's wife, thou shalt not uncover her nakedness (ibid. XVIII, 15).

355. She is thy son's wife refers back to the word daughter-in-law.

356. I.e., that it is to be regarded as one prohibition, not two, but that it applies even after the son's death.

357. Lit., 'a stumbling block has come to the man through it.'

358. Lit. rendering of [H] translated 'as he lieth with a woman'.

359. Ibid. XX, 13.

360. Natural and unnatural.

361. For the phrase, the lyings of a woman, is redundant in so far as it teaches that even unnatural pederasty is punishable, since all pederasty is such. Hence its teaching is thrown back upon itself, viz., that unnatural cohabitation is punishable when committed incestuously.

362. Ibid. XX, 27.

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Sanhedrin 54b

This teaches the punishment: whence do we derive the formal prohibition? — From the verse, Thou shalt not lie with mankind, as with womankind: it is an abomination.[1] From this we learn the formal prohibition for him who lies [with a male]: whence do we know a formal prohibition for the person who permits himself thus to be abused? — Scripture saith: There shall be no sodomite of the sons of Israel:[2] and it is further said, And there were also sodomites in the land: and they did according to the abominations of the nations which the Lord had cast out before the children of Israel:[3] this is R. Ishmael's view. R. Akiba said: This is unnecessary, the Writ saith, thou shalt not lie with mankind as with womankind: read, 'thou shalt not be lain with.'[4] Whence do we learn a formal prohibition against bestiality? — Our Rabbis taught: [and if a man lie with a beast, he shall surely be put to death: and ye shall slay the beast].[5] A man excludes a minor; [that] lieth with a beast — whether it be young or old; he shall surely be put to death — by stoning. You, by stoning; but perhaps one of the other deaths decreed in the Torah is meant? — It is here said, [and] ye shall kill [the beast]; and it is stated elsewhere, But thou shalt surely kill him. [… And thou shalt stone in him with stones]:[6] just as there, stoning is meant, so here too.

We have learnt from this the punishment for him who commits bestiality; whence do we derive punishment for him who allows himself to be thus abused? — The Writ saith: Whosoever lieth with a beast shall surely be put to death.[7] Since this is redundant in respect of the person committing bestiality,[8] you must regard it as applying to the person permitting himself to be thus abused.[9] From the Writ we know that there is punishment both for him who commits bestiality and for him who permits himself to be thus abused; whence do we know the formal prohibition? — Scripture saith, neither shalt thou lie with any beast to defile thyself therewith.[10] From this verse we learn the formal prohibition for him who commits bestiality, whence do we derive the formal prohibition for him who allows himself to be thus abused? Scripture saith: There shall be no Sodomite of the sons of Israel; and it is elsewhere said, And there were also sodomites in the land, etc.[11] R. Akiba said: This is unnecessary. The Writ saith, Thou shalt not lie [with any beast], which means, thou shalt not permit thy lying [with any beast, whether actively or

passively].

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Now, he who [actively] commits pederasty, and also [passively] permits himself to be thus abused — R. Abbahu said: On R. Ishmael's view, he is liable to two penalties, one [for the injunction] derived from thou shalt not lie with mankind, and the other for [violating the prohibition,] There shall not be a Sodomite of the sons of Israel. But on R. Akiba's view, he incurs only one penalty, since thou shalt not lie and thou shalt not be lain with is but one statement.[12]

He who commits bestiality, and also causes himself to be thus abused — R. Abbahu said: On R. Ishmael's view, he incurs two penalties, one for the injunction, thou shalt not lie with any beast, and one for the prohibition, there shall be no sodomite of the sons of Israel. But on R. Akiba's view, he incurs but one penalty, since thy lying [actively] and thy lying [passively] is but one injunction. Abaye said: Even on R. Ishmael's view he incurs one penalty only, for there shall be no Sodomite applies to sodomy with mankind.[13] If so, whence does R. Ishmael derive a formal prohibition against permitting oneself to be bestially abused? — From the verse, Whosoever lieth with a beast shall surely be put to death.[14] Now, this being redundant in respect of him who [actively] lies with a beast,[15] apply it to him who [passively] permits himself to be abused this; and the Divine Law designates the passive offender as the active offender:[16] this teaches that the punishment for, and the formal prohibition against, active bestiality[17] apply to passive submission too.[18]

He who submits both to pederasty and to bestiality — R. Abbahu said: On R. Akiba's view, he incurs two penalties; one for thou shalt not lie [with mankind], and the other for thou shalt not lie [with any beast]. But on R. Ishmael's view, he incurs only one punishment, both offences being derived from the single verse, There shall be no Sodomite.[19] Abaye said: Even on R. Ishmael's view, he incurs two penalties, because it is written, Whosoever lieth with a beast shall surely be put to death.[20] This being redundant in respect of active bestiality, it must be applied to passive submission, and the Divine Law thus designated passive submission as an active offence: just as for the active offence there is punishment and prohibitions so for the passive offence too.[21] But he who commits pederasty and causes himself to be abused thus; and also commits bestiality and causes himself to be abused too — both R. Abbahu and Abaye maintain that on R. Ishmael's view he is trebly guilty, and on R. Akiba's view he is doubly guilty.[22]

Our Rabbis taught: In the case of a male child, a young one is not regarded as on a par with an old one; but a young beast is

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treated as an old one.[23] What is meant by this? — Rab said: Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that.[24] What is the basis of their dispute? — Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect].[25] But Samuel maintains: Scripture writes, [*And thou shalt not lie with mankind*] *as with the lyings of a woman*.[26]

It has been taught in accordance with Rab: Pederasty at the age of nine years and a day;

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363. Ibid. XVIII, 22.

364. Deut. XXIII, 18.

365. I Kings XIV, 24. Just as abomination applies to sodomy in the latter verse, so it applies to it in the former too: thus it is as though the former verse read, There shall be no Sodomite of the sons of Israel: it is an abomination. And just as the abomination implicit here applies to both parties, so the abomination explicitly stated in Lev. XIII, 22 refers to both.

366. I. e., the niph'al, the letters being the same, [H], and [H].

367. Ibid. XX, 15.

368. Deut. XIII, 10, referring to a mesith, one who incites to idolatry.

369. Ex. XXII, 18.

370. As it is taught elsewhere, viz., in Lev. XX, 15.

371. One of the methods of Talmudic hermenueutics is to apply a Biblical statement, superfluous in respect of its own law, to some other subject.

372. Lev. XVIII, 23.

373. Ibid. v. p. 368. n. 1: the same reasoning applying to bestiality as to pederasty.

374. I.e., though differently vocalized in order to deduce two injunctions, it is nevertheless one statement only, so that a person transgressing these two injunctions violates one Biblical prohibition only.

375. Not to bestiality at all, in spite of the fact that this was cited above in this connection.

376. Ex. XXII, 18.

377. Since it is stated in Lev. XVIII.

378. I.e., though as shewn, this verse applies to a passive offender, yet its grammatical construction speaks of active bestiality.

379. The reference having been given above.

380. So that all is deduced from one verse, involving only one penalty.

381. Since R. Akiba maintains that the prohibition of passive sodomy is included in active sodomy, it follows that passive pederasty and bestiality are two distinct offences, for there are two distinct injunctions. But as R. Ishmael maintains that the injunction against active sodomy does not include passive submission, and that the latter, whether in pederasty or bestiality, is derived from the single injunction, There shall be no sodomite, the double offence incurs one penalty only.

382. Ex. XXII, 18.

383. Thus, this applies to passive bestiality, whilst there shall be no sodomite applies to passive pederasty. Hence, there being two separate injunctions for the two offences, a double punishment is incurred.

384. Thus: R. Abbahu maintains that on R. Ishmael's view: (i) active pederasty is forbidden by Thou shalt not lie with mankind; (ii) active bestiality by Thou shalt not lie with any beast; (iii) passive pederasty and bestiality by There shall be no sodomite. Whilst Abaye maintains that on R. Ishmael's view, (i) active pederasty is derived from Thou shalt not lie with mankind; (ii) submission thereto from There shall be no sodomite; and (iii) active and passive bestiality from Neither shalt thou lie with any beast to defile thyself therewith. (Lev. XVIII, 23) Hence, according to R. Abbabu and Abaye there are three injunctions for the four offences. Further, R. Abbahu and Abaye both teach R. Akiba's view to be that (i) active and passive bestiality are derived from Thou shalt not lie with mankind as with womankind; and (ii) active and passive bestiality from Neither shalt thou lie with any beast. Hence there are two injunctions for the four offences.

385. The reference is to the passive subject of sodomy. As stated *supra* 54a, guilt is incurred by the active participant even if the former be a minor, i.e., less than thirteen years old. Now, however, it is stated that within this age a distinction is drawn.

386. I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.

387. At nine years a male attains sexual matureness.

388. Lev. XVIII, 22. Thus the point of comparison is the sexual matureness of woman, which is reached at the age of three.

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[he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment.[1]

R. Nahman, son of R. Hisda stated in an exposition: In the case of a woman, there are two modes of intimacy, but in the case of a beast, only one.[2] R. Papa objected: On the contrary, since sexual intercourse with a woman is a natural thing, guilt should be incurred only for a natural connection, but for nothing else, whilst, since a connection with a beast is an unnatural thing, one should be punished for every such act, however it be done.[3]

It has been taught: Pederasty at the age of nine years and a day; she who commits bestiality, whether naturally or unnaturally, and a woman who causes herself to be bestially abused, whether naturally or unnaturally, are liable to punishment.[4]

Rabina asked Raba: What if one commits the first stage of pederasty? [He replied: Dost thou ask] what if one commits the first stage of pederasty! Is it not written, Thou shalt not lie with mankind as with womankind?[5] But [the question to be asked is] what if one commits the first stage of bestiality? — He replied: Since the culpability of the first stage of incest, which is explicitly stated with reference to one's paternal or maternal aunt, is redundant there, for it is likened to the first stage of intercourse with a niddah,[6] apply its teaching to the first stage of bestiality [as being punishable].[7] Now consider: bestiality is a capital offence, punishable by *Beth din*. Why then does the Scripture teach the capability of its first stage in a law relating to a sin punishable by extinction:[8] should it not rather have been indicated in a verse dealing with sexual intercourse as a capital offence too;[9] so that one capital offence might be deduced from another? Since this entire verse[10] is written for the sake of new interpretations [whereby additional laws are deduced] — another statement for the same purpose is inserted.[11]

R. Ahdaboi b. Ammi propounded a problem to R. Shesheth: What if one excited himself to the first stage [of masturbation]? — He replied: You annoy us![12] R. Ashi said: What is your problem? This is impossible in self-stimulation; but it is possible in the case of coition with a membrum mortuum. On the view that such, in incest, is not punishable, in masturbation too it is not punishable. But on the view that it is punishable, a twofold penalty is incurred here, since he is simultaneously the active and passive partner of the deed.

It was asked of R. Shesheth: What if a heathen committed bestiality [is the animal killed or not]? Must it have been both a stumbling block and a cause of degradation [in order for it to be stoned], but here it was only a stumbling block, but not a cause of degradation;[13] or perhaps, even if it was only a stumbling block, without having led to degradation, [it is still stoned]?[14] — R. Shesheth replied, We have learnt it: If in the case of trees, which neither eat nor drink nor smell, the Torah decreed that they should be burnt and destroyed,[15] because they had proved a stumbling block: how much more so [must thou destroy him] who seduces his neighbour from the path of life to that of death.[16] If so, where a heathen worships his cow, should it not be forbidden and killed?[17] — Is there anything which is not forbidden to an Israelite, yet forbidden to a heathen?[18] But why should it not be forbidden if an Israelite worshipped it: is it not analogous to bestiality? — Abaye answered: In the latter case [bestiality] the degradation is great; whilst in the former [animal worship] the disgrace is little.[19] But in the case of trees, the degradation is not great, yet did not the Torah order them to be burnt, destroyed, and annihilated? — We are speaking of living creatures, for which the All-Merciful One shewed pity.[20] Raba said: The Torah ordered that the animal should be destroyed, because it too derived pleasure from sin.[21] But trees derive no pleasure, yet the Torah commanded that they should be destroyed, burnt, and annihilated! We are speaking of living creatures, for which the All-Merciful One shewed pity. Come and hear![22] ANOTHER REASON IS, THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS, WHILST PEOPLE SAY, THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED. Now surely,

To Part *b*

Original footnotes renumbered. See Structure of the Talmud Files

389. [Rashi reads [H] instead of the [H] in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day — refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind,* where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

390. The reference is to bestiality. If a woman allows herself to be made the subject thereof, whether naturally or not, she is guilty. But if a man commits bestiality, he is liable only for a connection in a natural manner, but not otherwise. Thus Rashi. Tosaf., more plausibly, explains it thus: If one commits incest or adultery with a woman, whether naturally or not, guilt is incurred; but bestiality is punishable only for a connection in a natural manner, but not otherwise.

391. The meaning according to the interpretation of Tosafoth is clear. Yet R. Papa's objection is not made in order to prove that unnatural incest is not liable (which, in fact, it is), but that if a distinction is to be drawn, unnatural bestiality is far more likely to be liable than unnatural incest. On Rashi's interpretation, R. Papa's objection is explained thus: Since a woman is naturally the passive object of sexual intercourse, it follows that she should be punished for bestiality only when the connection is carried out in a natural way. But as man is the active offender in an unnatural crime he should be punished even for unnatural connection. It must be confessed that this is not without difficulty, and hence Tosaf. rejects Rashi's explanation, which is based on a slightly different reading.

392. V. *supra* p. 371. n. 5. This refutes the former view; and the latter too, on Rashi's interpretation.

393. Ibid. XVIII, 20. Hence, why ask? Obviously, just as the first stage of incest or adultery is punishable, so also the first stage of pederasty.

394. *Niddah*, a woman during her menstruation.

395. In respect of one's paternal or maternal aunt, Scripture states: And thou shalt not uncover the nakedness of thy mother's sister, nor of thy father's sister: for he uncovereth his near kin. (Lev. XX, 19). The word for 'he uncovereth' (Heb. he'erah [H]) is understood as meaning the first stage of sexual intercourse, and this verse teaches that this is a culpable offence. But this teaching is superfluous, for in the preceding verse the same is taught of a *niddah*, which serves as a model for all forbidden human sexual intercourse. Hence the teaching, being redundant here, is applied to the first stage of bestiality. V. p. 368, n. 7.

396. Incest with a paternal or a maternal aunt is so punishable.

397. E. g., incest with one's mother, father's wife, or daughter-in-law is punished by stoning; v. *supra* 53a.

398. Lev. XX, 19, referring to incest with a paternal or material aunt.

399. In Yeb. 54b it is shewn that the whole verse is superfluous, its provisions being stated in Lev. XVIII, 12f. Hence it is written in XX, 19 in order that additional laws might be deduced.

400. By a reprehensible sophistry, the thing being an impossibility. Other translations: 'You disgust us; insolent man that you are!'

401. Because bestiality was not unusual among the heathens, therefore he would not feel himself disgraced. This Talmudic judgment on heathen morals may appear very harsh and prejudiced, yet it is not a malicious slander. In the Gilgamesh epic Ebani, the primitive man, lives a wild life with the animals and satisfies his lust with them. Bestiality seems to have been prevalent among the Greeks and Romans of a later period, as is proved by an extremely unsavoury adventure described in the Metamorphoses of Apuleius. Cf. 'A. Z. 22a, which

forbids the stabling of cows with heathens, for fear of bestiality. (Hast. Dict. s.v. Bestiality.)

402. The point of the problem is this: The Mishnah states two reasons for the stoning of the animal. The first, that it had been a stumbling block; the second, that it was a constant reminder that someone had been executed through it, i.e., that man had degraded himself thereby. Hence the question whether both are necessary before the animal must be stoned, or only one.

403. Deut. XII, 3: And ye shall burn their groves with fire.

404. I.e., to idolatry. That proves that that which caused sin, even without degradation, (the worship of trees by heathens not being accounted a disgrace to them) must be destroyed.

405. Since a heathen is liable to death for animal worship, though it is not accounted a disgrace to him.

406. Surely not. If a Jew worships his cow, it is not forbidden to benefit therefrom (Tem. 29a). Hence we cannot impose a prohibition if a heathen worships it. This is a general principle in the Talmud. It is very instructive as showing quite clearly the temper in which the Rabbis regarded the idea of election of Israel. So far from conferring special privileged dispensations, it could be taken as axiomatic that nothing permitted to the Jew was forbidden to the heathen. Cf. Joseph, M., Judaism as Creed and Life, pp. 153-4. 'In styling ourselves God's people we do not claim to possess any worldly advantage, or even any special share of the Divine love … The pledge of God's affection for his people lies in his gift to them of a special opportunity of service, with its additional joys but also with its additional obligations. Nay, by taking upon himself the Yoke of the Law, Israel has been self-doomed to a life of trial.'

407. Thus Tosaf. and R. Han. and one interpretation of Rashi. Another explanation by Rashi (adopted by Jast., s. v. [H]) is: In this case (of a Jew being the criminal) his disgrace is great, but in the latter (that of a Gentile) his disgrace is little. The first explanation seems to be more suited to the context.

408. Hence, only where there is much degradation, as in bestiality, is the animal destroyed; but trees are destroyed even when the disgrace is not great.

409. This is another point of difference between bestiality and animal worship. In the former, the animal too derives pleasure, but not in the latter.

410. In answer to the problem, R. Shesheth's proof not being considered conclusive.

Sanhedrin 55b

Underlining indicates text censored from the Rodkinson Talmud

since the latter reason embraces both the reason of a stumbling block and of human degradation,[1] the former reason is that of stumbling block alone, e.g. when a heathen commits bestiality![2] — No. The second reason is that of stumbling block and of degradation, but the first teaches that even if there is degradation without a stumbling block, the animal is stoned, e.g., if a Jew committed bestiality in ignorance [of the fact that it is forbidden].[3]

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Even as R. Hamnuna propounded: What if a Jew committed bestiality in ignorance; must there have been both a stumbling block and degradation [for the animal to be stoned] and in this case there is only degradation, but no sin; or perhaps for degradation alone without there having been a stumbling block [the animal is stoned]?[4] — R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea].[5] If she married a priest, she may eat of *terumah*;[6] If any unfit person[7] has a connection with her, he disqualifies her from the priesthood[8] — If any of the forbidden degrees had intercourse with her, they are executed on her account,[9] but she is exempt.[10] Now, 'any of the forbidden degrees' implies even a beast: in this case, there is degradation but no stumbling-block, yet it is taught that they [including a beast] are slain on her account.[11] [No, this is not conclusive, as it can be argued that] since she deliberately offended there is a stumbling-block] [though she is a minor] but the All-Merciful One had mercy upon her; now, He shewed mercy to her, but not to the animal.

Raba said: Come and hear! A male aged nine years and a day who cohabits with his deceased brother's wife [the former having left no issue] acquires her [as wife]. But he cannot divorce her until he attains his majority.[12] He is defiled through coition with a *niddah*,[13] so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea] — He disqualifies [a woman from the priesthood],[14] but cannot enable a woman to eat [of *terumah*].[15] He renders an animal unfit for the altar,[16] and it is stoned on his account,[17] and if he had intercourse with one of the degrees forbidden in the Torah, the latter is executed. Now here there is degradation, but no stumbling-block, yet it is taught: 'It is stoned on his account.' Since it was a deliberate offence, there is a stumbling-block, but the All-Merciful One had mercy upon him; now, He showed mercy to him, but not to the animal.

Come and hear! ANOTHER REASON IS THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS WHILST PEOPLE SAY, 'THIS IS THE ANIMAL ON

ACCOUNT OF WHICH SO AND SO WAS STONED.' Now surely, since the latter reason embraces both stumbling-block and degradation, the former reason refers to degradation only, that is, when a Jew committed bestiality in

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ignorance.[18] No! The second reason is one of stumbling-block and degradation; but the first teaches that even if there is a stumbling block without degradation, the animal is stoned,[18] e.g., if a heathen committed bestiality, even as it was asked of R. Shesheth.[19]

Rodkinson translation
resumes here

MISHNAH. THE BLASPHEMER IS PUNISHED ONLY IF HE UTTERS [THE DIVINE] NAME.[20] R. JOSHUA B. KARHA SAID:

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Original footnotes renumbered. See Structure of the Talmud Files

411. When people remark that so and so was stoned through this animal, its own part in enticing to sin and the degradation of the offender are brought to mind.

412. The reasoning is as follows: Since the second reason refers to both sin and disgrace, the first is superfluous; hence it must have been given in order to shew that even where sin alone is incurred, without degradation, the animal is stoned.

413. According to this, the 'stumbling block' refers to the degradation involved, and not to the sin. When bestiality is committed in ignorance, one has not sinned, yet he has greatly degraded himself. The superiority of this explanation lies in the fact that both reasons now refer to a Jew, instead of one referring to a Jew and one to a heathen, which is not very plausible.

414. According to the latter explanation of the Mishnah, this problem is solved, whilst the first remains unanswered; but according to the first explanation, the first problem is solved, but not the second. As we cannot be certain which is correct, both so far are unsolved.

415. A man who had sexual connection with a *niddah*, defiles that upon which he lies even if he does not actually touch it. But the degree of uncleanliness it thereby acquires is not the same as that of bedding upon which a *niddah* herself,

or a person afflicted with gonorrhoea, lies. For in the latter case, the defilement is so great that the bedding in turn renders any person or utensil with which it comes into contact unclean; whilst in the former, it can only defile foodstuffs and liquids. This is the same degree of uncleanliness possessed by a garment which has lain upon, or been borne by a *zab* (i.e., one afflicted with issue).

416. As the law of an Israelite's (adult) daughter who married a priest. But if she was less than three years old, although the *Kiddushin* accepted on her behalf by her father is valid, yet since she is sexually immature, the marriage cannot be consummated, and hence she is not thereby enabled to eat of *terumah*. On *terumah*, the priest's portion of an Israelite's produce, v. Glos.

417. E.g., a heathen, *hallal*, *nathin*, or bastard.

418. I.e., if a priest's daughter, or if the daughter of a Levite or Israelite married to a priest, she may not eat of *terumah*.

419. If they are of those forbidden on pain of death, v. *supra* 53a.

420. As she is a minor.

421. This solves R. Hamuna's problem.

422. For, being a minor, he has no power to release her from a bond laid upon her, in the first place, by an adult (his brother).

423. This rendering follows the more correct text of the Mishnah, *Niddah* 45a, of which this is a quotation, which has umittamma beniddah (through or by a *niddah*), instead of the reading here: umittamma keniddah, as a *niddah*.

424. V. p. 343, n. 6.

425. If he is a priest, and has sexual connection with an Israelite's daughter with marital intent, this does not authorise her to eat of *terumah*, because he has no legal powers of acquisition in marriage, excepting over his levirate sister-in-law, who is already bound to him.

426. If he committed bestiality therewith, only one witness attesting the offence, the animal is not killed, nor does it become unfit for secular use, but it may no longer be offered as a sacrifice.

427. If his bestiality was attested by two witnesses.

428. Which solves the problem propounded by R. Hamnunah.

429. V. p. 373, *supra*.

430. I.e., the Tetragrammaton.

Babylonian Talmud: Tractate Kethuboth

Folio 11a

We will also say:[1] ailonith [the barren woman that is] a man-like[2] woman, who does not bear children.[3]

MISHNAH. A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS TWO HUNDRED [*ZUZ*]. AND THERE IS WITH REGARD TO THEM THE CLAIM OF [NON-]VIRGINITY.[4]

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GEMARA. R. Huna said: A minor proselyte[5] is immersed[6] by the direction[7] of the court.[8] What does he let us know? That it is an advantage[9] to him and one may act for a person in his absence[10] to his advantage? [Surely] we have learned [this already]: One may act for a person in his absence to his advantage. but one cannot act for a person in his absence to his disadvantage! … What you might have supposed is that an idolator[11] prefers a life without restraint[12] because it is established for us that a slave certainly prefers a dissolute life,[13] therefore, he[14] lets us know that this is said[15] [only in the case] of a grown-up person who has already tasted sin,[16] but [in the case of] a minor, it is an advantage to him.[17] May we say that [this Mishnah] supports him:[18] A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD [etc.]? Is it not that they immersed them[19] by the direction of the Court?[20] No, here we treat of the case of a proselyte whose sons and daughters were converted with him, so that they are satisfied with what their father does.[21]

R. Joseph said: When they[22] have become of age they can protest [against their conversion].[23]

Abaye asked:[24] A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS TWO HUNDRED [*ZUZ*]. Now if you indeed mean to say [that] when they have become of age they can protest [against their conversion],[25] would we give her the *kethubah* that she may go and eat [it] in her heathen state? — When she has become of

age.[26] [But] when she has become of age, too, she can protest and go out![27] — As soon as she was of age one hour, and did not protest, she cannot protest any more.[28]

Raba raised an objection: These maidens receive the fine:[29] if a man has intercourse with[30] a bastard,[31] a Nethinah,[32] a Cuthean,[33] a proselyte, a captive. or a slave, who have been redeemed, converted, or freed [when they were] less than three years and one day old-they have to be paid the fine.[34] Now if you say [that] when they have become of age they can protest, would we give her[35] the fine that she may go and eat it in her heathen state? — When she has become of age.[36] When she has become of age too she can protest and go out![37] — As soon as she was of age one hour and did not protest she cannot protest any more.[38] Abaye did not say as Raba [said][39] [because] there[40] [where it speaks of fines

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we can say]: This is the reason:[41] that the sinner should not have any benefit.[42] Raba did not say as Abaye [said][43] because in the case of the *kethubah* [we can say that] this is the reason:[44] that it[45] should not be a light matter in his eyes to send her away.[46]

MISHNAH. WHEN A GROWN-UP MAN[47] HAS HAD SEXUAL INTERCOURSE WITH[48] A LITTLE GIRL,[49] OR WHEN A SMALL BOY[50] HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR [WHEN A GIRL WAS ACCIDENTALLY] INJURED BY A PIECE OF WOOD[51] — [IN ALL THESE CASES] THEIR *KETHUBAH* IS TWO HUNDRED [*ZUZ*]; SO ACCORDING TO[52] R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER *KETHUBAH* IS A *MANEH*. A VIRGIN, WHO WAS A WIDOW, A DIVORCEE, OR A *HALUZAH* FROM MARRIAGE[53] — HER[54] *KETHUBAH* IS A *MANEH*.[55]

To Part *b*

Original footnotes renumbered. See Structure of the Talmud Files

431. We will make a similar etymological exposition.

432. Or ram-like. [H] 'a woman who cannot bear children,' is connected with [H] (ram).

433. I.e., who is incapable of bearing children.

434. If they had sexual intercourse before they were three years and one day old the hymen would grow again, and they would be virgins. V. 9a and 11b and cf. Nid. 44b and 45a.

435. I.e., a minor who wants to become a proselyte, that is, be converted to

Judaism. Prior to and for the purpose of that conversion the would-be proselyte has to undergo circumcision and immersion in water. V. Yeb. 46aff. The immersion is to signify his purification. If the would-be proselyte is a minor (under thirteen years of age) and has no father to act for him, the Court can authorise his ritual immersion.

436. Lit., 'they immerse him'.

437. Lit., 'by the knowledge'.

438. Lit., 'house of judgment'. Three members constitute the court.

439. To be received into the Jewish Faith.

440. Lit., 'not in his presence'. — As the proselyte is a minor he is not, legally speaking, present.

441. Lit.,'one who worships the stars and planets.'

442. Lit., 'lawlessness, unbridled lust.' — It would therefore be a disadvantage to the minor would-be proselyte to become a Jew.

443. Cf. Git. 13a. — This confirms the former supposition.

444. R. Huna.

445. Lit., 'these words.'

446. Lit., 'who has tasted the taste of what is forbidden'.

447. To become a Jew.

448. R. Huna.

449. The women proselytes.

450. Because they were less than three years and one day old, consequently minors.

451. The immersion of the minor proselytes therefore took place by the direction of their father and not of the Court. — This Mishnah is therefore no support for R. Huna.

452. The minor proselytes.

453. And leave the Jewish faith and go back to their former state without being liable to a penalty by the Jewish Court.

454. Lit., 'he raised against this a point of contradiction from a higher authority.'

455. V. note 2.

456. Only then one gives her the *kethubah*.

457. Of Judaism; why then give her the *kethubah*?

458. The *kethubah* would be given to her after 'one hour'.

459. Lit., 'These maidens to whom there is a fine'. — The fine is that for seducing a girl; v. Deut. XXII, 29.

460. Lit., 'He who came on.'

461. V. Yeb. 49a.

462. A descendant of the Gibeonites. V. Joshua IX, 22, 23, 27 and cf. Yeb. 78b.

463. A Samaritan.

464. V. *infra* 29a.

465. The proselyte.

466. And adhered to Jewish practice, only then she is paid the fine, v. Tosaf.

467. Of Judaism.

468. The fine would be given to her after 'one hour'.

469. Did not ask the question of Raba.

470. In the Mishnah, *infra* 29a.

471. Why the fine should he paid to the seduced proselyte girl.

472. Therefore he should pay the fine in any case. But the case of the *kethubah* (in our Mishnah) is different. Therefore, Abaye asked from our Mishnah.

473. He did not ask the same question as Abaye.

474. Why the *kethubah* is paid to the woman proselyte.

475. Lit., 'she'.

476. Lit., 'to bring her out (of his house)', that is, to divorce her. Therefore he should pay the *kethubah* in any case. But the case of the fine is different. Therefore Raba asks from the Mishnah *infra* 29a.

477. A man who was of age.

478. Lit., 'who came on'.

479. Less than three years old.

480. Less than nine years of age.

481. Lit., 'One who was injured by wood', as a result of which she injured the hymen.

482. Lit., 'the words of'.

483. A maiden was married, and immediately after the marriage, became a widow or divorced, or a *haluzah*; v. *supra* 10b.

484. Lit., 'their', that is, the *kethubah* of each of them.

485. Since the marriage had taken place she is regarded as a married woman and it is assumed that she is no more a virgin.

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Kethuboth 11b

AND THERE IS WITH REGARD TO THEM NO CHARGE OF NONVIRGINITY. A WOMAN PROSELYTE, A WOMAN CAPTIVE AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] MORE THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS A *MANEH*, AND THERE IS WITH REGARD TO THEM NO CHARGE OF NON-VIRGINITY.

GEMARA. Rab Judah said that Rab said: A small boy who

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has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood.[1] When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to[2] flesh. Some teach this teaching by itself:[3] [As to] a small boy who has intercourse with a grown-up woman. Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh. R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD — [IN ALL THESE CASES] THEIR *KETHUBAH* IS TWO HUNDRED [*ZUZ*]; SO ACCORDING TO R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER *KETHUBAH* IS A *MANEH*![4] Raba said, It means[5] this: When a grown-up man has

intercourse with a little girl it is nothing, for when the girl is less than this,[6] it is as if one puts the finger into the eye;[7] but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] 'a girl injured by a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

Rami b. Hama said: The difference of opinion[8] is [only] when he[9] knew her,[10] for R. Meir compares her[11] to a mature girl,[12] and

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the Sages compare her to a woman who had intercourse with a man.[13] But if he did not know her,[14] all agree[15] that she has nothing.[16] And why does R. Meir compare her to a mature girl? Let him compare her to a woman who had intercourse with a man! — [In the case of] a woman who had intercourse with a man, a deed had been done to her by a man;[17] but in her case[18] — no deed has been done to her by a man. — And why do the Rabbis compare[19] her to a woman who had intercourse with a man? Let them compare her to a mature girl! [In the case of] a mature girl no deed whatsoever has been done to her,[20] but in her case — a deed has been done to her.[21]

'But if he did not know her, all agree that she gets nothing'.[22] R. Nahman objected: If she says. 'I was injured by a piece of wood,' and he says. 'No, but thou hadst intercourse with a man', Rabban Gamaliel and R. Eliezer say [that] she is believed![23] But, said Raba, whether he knew her[24] and whether he did not know her,[25] according to R. Meir [her *kethubah* is] two hundred [*zuz*];[26] [whereas] according to the Rabbis, if he knew her [her *kethubah* is] a *maneh*, [if] he did not know her, she gets nothing.[27]

Raba however changed his opinion,[28] for it has been taught: How [does] the bringing out of an evil name[29] [take place]? He[30] comes to court and says, 'I, So-and-so,[31] have not found in thy daughter the tokens of virginity.' If there are witnesses that she has been unchaste under him,[32] she gets a[33] *kethubah* of a *maneh*.[34] [But surely] if there are witnesses that she has been unchaste under him, she is to be stoned![35] — It means this: If there are witnesses that she has been unchaste under him, she has to be stoned; if she was unchaste before [the betrothal], she gets a *kethubah* of a *maneh*. Now R. Hiyya b. Abin said [that] R. Shesheth said: This teaches:[36] If he married her in the presumption that she is a virgin and she was found to have had intercourse with a man,[37] she gets a *kethubah* of a *maneh*. Whereupon R. Nahman objected: 'If one marries a woman and does not find in her virginity, [and] she says, "After thou hadst betrothed me [to thyself] I was forced[38] and [thus] thy[39] field has been inundated," and he says, "No, but before I betrothed thee [unto me] [thou hadst intercourse with a man], my bargain is [thus] a mistaken one." [etc.]'[40] and [this assuredly means] she is to get nothing![41] And R. Hiyya b. Abin said to them: Is it possible! R. Amram and all the great ones of the age sat[42] when R. Shesheth said that teaching and they found it difficult[43] and he[44] answered: In which respect is it indeed a mistaken bargain? In respect of two hundred [*zuz*:], but a *maneh* she gets [as a

kethubah]. And you[45] say [that it means] she gets nothing! Whereupon Raba said: He who asked [this question][46] has asked well, for a mistaken bargain' means entirely.[47] But [then] that [other teaching] presents a difficulty.[48] Put [it] right[49] and say thus: If there are witnesses that she was unchaste under him[50] she has to be stoned, if she was unchaste before [the betrothal], she gets nothing, if she was found to be injured by a piece of wood, she has a *kethubah* of a *maneh*. But Surely it was Raba who said [above that], according to the Rabbis, if he did not know her, she gets nothing![51] Hence you must conclude[52] from this[53] that Raba retracted from that [opinion].[54]

Our Rabbis taught: If the first [husband] took her [the bride] to his home for the purpose of marriage. and she has witnesses that she was not alone [with him,][55] or even if she was alone [with him]. but she did not stay [with him] as much time as is needed for intercourse, the second [husband][56] cannot raise any complaint with regard to her virginity, for the first [husband] had taken her to his home [for the purpose of marriage].[57]

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Original footnotes renumbered. See Structure of the Talmud Files

486. Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood.

487. Lit., 'is not in'.

488. I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah.

489. The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel.

490. Lit., 'says'.

491. Lit., 'here', that is, less than three years old.

492. I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45a.

493. Between R. Meir and the Sages.

494. The husband.

495. I.e., he knew, when he married her, that the bride was thus injured.

496. The one who was thus injured.

497. A bogereth (v. Glos.), a girl of full maturity, may sometimes not have signs of virginity, (v. Yeb. 59a), and her *kethubah* is nevertheless two hundred

zuz.

498. And had no virginity. Therefore her *kethubah* is only a *maneh*, as that of a widow.

499. Did not know of the injury and thus thought that she was in her full virginity.

500. Lit., 'the words of all.'

501. Lit., 'it is nothing'. — As he was kept in ignorance of what happened to her, she does not get even a *maneh* (Rashi).

502. Lit., 'by the hands of man'.

503. Lit., 'this'.

504. Lit., 'instead of comparing'.

505. Her signs of virginity vanished through her maturity.

506. Through the piece of wood.

507. This is the concluding part of the statement.

508. V. *infra* 23a. This shews that she gets the *kethubah* even if he did not know that she had been thus injured.

509. I.e., knew, when he married her, that she had been injured.

510. Did not know that she was thus injured.

511. [And the author of the Mishnah which states that she is believed, will be R. Meir, and she receives two hundred *zuz*].

512. V. n. 4. [And our Mishnah which states that she gets only a *maneh* will represent the view of the Sages in the case where he knew her].

513. Lit., 'and Raba went back on himself.'

514. Cf. Deut. XXII, 13, 14.

515. The husband.

516. Lit., 'such and such a person', — the, husband is addressing the father of his young wife.

517. I.e., that she had intercourse with a man after their betrothal.

518. Lit., 'there is unto her'.

519. V. *infra* 46a.

520. Lit., 'a daughter of stoning' — (Cf. Deut. XXII, 20, 21). [How then can she have a claim to a *kethubah*?]

521. Lit., 'this says'.

522. Before the betrothal.

523. By a man to have intercourse with him.

524. Lit., 'his field'.

525. V. Mishnah, *infra* 12b.

526. [I.e., the words 'my bargain is a mistaken one' imply that the husband in making this charge denies her the right to receive anything at all. This refutes R. Shesheth's view that she is entitled in such a case to one *maneh*.]

527. I.e., were present.

528. Lit., 'and it was difficult unto them'. I.e., they felt the difficulty presented by the cited Mishnah.

529. R. Shesheth.

530. R. Nahman.

531. I.e., R. Nahman, by asking the question from the cited Mishnah.

532. I.e., entirely a mistaken bargain and she gets nothing. The question of R. Nahman was therefore a good question.

533. Lit., 'That is difficult'. The Baraitha of *Kethuboth* 46a, which says that if she was unchaste before the betrothal she gets a *kethubah* of a *maneh*.

534. I.e., answer.

535. I.e., that she had intercourse with a man after their betrothal.

536. And this is in contradiction with what Raba said just now, namely. that if the young wife was found to be injured by a piece of wood, she has a *Kethubah* of a *maneh*.

537. Lit., 'hear from this'.

538. From Raba's statement that one injured thus gets a *kethubah* of a *maneh*.

539. Expressed by Raba previously that, according to the Rabbis, if the husband did not know before the betrothal that the bride was injured, she gets no *kethubah* at all.

540. Lit., 'that she was not hidden.'

541. The woman married again after the death of, or divorce by. the first husband.

542. As she was married before, the second husband must reckon with the possibility of her having had intercourse with the first husband, in spite of the evidence which she can bring to shew that the marriage was not consummated.

Babylonian Talmud: Tractate Sanhedrin

Folio 69a

and the Divine Law states, But if the man etc.,[1] teaching that only in the case of a man must thou seek whether he has kinsmen or not, but not in the case of a minor, for it is obvious that he can have none.

Abaye objected. [It has been taught: And If any man lieth carnally

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with a woman that is a bondmaid].[2] 'A man': from this I know the law only with respect to a man: whence do I know it of one aged nine years and a day who is capable of intercourse? From the verse, And 'if a man'?[3] — He replied: Such a minor can produce semen, but cannot beget therewith; for it is like the seed of cereals less than a third grown.[4]

The School of Hezekiah taught: But if a man came presumptuously [yazid] upon his neighbour to slay him with guile:[5] a man can inflame [his genital] and emit semen, but not a minor.[6] R. Mordechai asked of R. Ashi: Whence do we know that mezid denotes heating? — From the verse, And Jacob sod [wa-yazed] pottage.[7]

But this is not so.[8] For the School of Ishmael[9] taught: If a man have a son:[10] implying, a son but not a father.[11] Now, how is this possible? Shall we say that he impregnated [his wife] after producing two hairs, and begot before the hair was fully grown[12] — but can there be such a long interval [between these, as to allow for complete gestation]? Did not R. Keruspedai say: The extreme limits of a 'stubborn and rebellious' son are only three months?[13] Hence he must have caused conception before producing two hairs, and begot the child before the hair was fully grown; [and in that case he is excluded from the

operation of the law] thus proving that a minor can beget children! — No. In truth, this refers to one who impregnated [his wife] after the appearance of two hairs, and begot [the child] after his hair was fully grown. But as for the difficulty raised by R. Keruspedai's dictum, — when R. Dimi came, he said: In the West [i.e.. Palestine], they explain [the deduction of the School of Ishmael] thus; a son, but not one who is fit to be called a father.[14]

To revert to the above text: 'R. Keruspedai said in R. Shabbethai's name: The extreme limit of a "stubborn and rebellious son" is only three months'. But did we not learn, FROM THE TIME THAT HE PRODUCES TWO HAIRS UNTIL HE GROWS A BEARD RIGHT ROUND? — If he grew a beard, even if three months have elapsed, or if three months elapsed, even if he did not grow a beard [he is no longer liable].[15]

R. Jacob of Nehar Pekod[16] sat before Rabina, and said thus in the name of R. Huna the son of R. Joshua: From the dictum of R. Keruspedai in R. Shabbethai's name one may deduce that if a woman bears at seven months, her pregnancy is not discernible at a third of its course; for if it is, why three months: two and a third are sufficient?[17] He demurred: In truth, it may be that her pregnancy becomes manifest at a third of its course, but we must regard the majority.[18] Now, this was repeated before R. Huna the son of R. Joshua, whereupon he remarked: But can we consider the majority [only, disregarding the majority entirely] in capital charges; did not the Torah say, Then the congregation shall judge … and the congregation shall deliver the slayer?[19] Yet you say, regard

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the majority! This was reported back to Rabina. He replied: Do we then not follow the majority in capital charges? But we learnt: If one witness testified that the crime was committed on the second day of the month, and one on the third, their testimony is valid; for one knew that the past month had been full, and the other did not.[20] But if you maintain that we do not follow the majority, should we not say that these witnesses testify exactly,[21] and thus contradict each other? Hence it surely must be that we follow the majority who are wont to err with respect to the fulness of the month.

R. Jeremiah of Difti said: We also learnt the following: A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabited with her, she becomes his. The penalty of adultery may be incurred through her; [if a *niddah*,] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea]. If she married a priest, she may eat of *terumah*; if any unfit person cohabits with her, he disqualifies her from the priesthood. If any of the forbidden degrees had intercourse with her, they are executed on her account, but she is exempt.[22]

To Part *b*

Original footnotes renumbered. See Structure of the Talmud Files

543. 'Man' is superfluous, as the verse could have read, But if he hath no kinsman …

544. Lev. XIX, 20.

545. 'And' ([H]) indicates an extension of the law, and is here interpreted to include a minor aged nine years and a day.

546. Such cereals contain seed, which if sown, however, will not grow.

547. Ex XXI, 14.

548. Hif'il, [H] (*come presumptuously*), is here derived from [H], to seethe, Hif'il, *hezid*, to cook, boil, the technical terms for the excitation producing semen. Rashi states that this interpretation is placed upon the word, for if mere wanton wickedness were referred to, Scripture should have written *Yarshia'* [H] from [H], a wicked man. Thus, by this exegesis, a minor is excluded from the scope of the law.

549. [H] Gen. XXV, 29.

550. Thus the text as reconstructed by Rashal. This is an objection to the view that a minor cannot beget children.

551. V. p. 387 n. 7. Similarly. the 'School of Ishmael' refers to his successors long after him; Weiss, Dor, 11. p. 93, 94 (where he implies that some teachings introduced by this caption did not really originate with him, or were such of which he would not have approved).

552. Deut. XXI, 18.

553. I.e. if the son is himself a father already, this law does not apply.

554. Since these are the limits between which the law operates.

555. Whilst the fetus needs at least six months to develop.

556. I.e., once his wife is impregnated he is already fit to be called a father. But it is unnecessary to exclude him when he is already a father, for by then this hair must be fully grown, and he is automatically excluded by the limitations expressed in the Mishnah.

557. I.e., whichever period is shorter.

558. [A town in the vicinity of Nehardea; v. Obermeyer, Die Landschaft Babylonien, 270ff.]

559. For the fetus being then discernible, the son is fit to be called a father, and is no longer liable, as stated above. v. Yeb. 35a.

560. Whose pregnancy lasts nine months, the fetus thus not being discernible before three months, when the son becomes fit to be called a father and no longer liable to the law of a rebellious son.

561. Num. XXXV, 25f; this is taken to mean, that in doubt, the accused be given the benefit.

562. V. *supra* 40a.

563. Jewish months are of either twenty-nine or thirty days duration. As the sanctification of the new month depended on the direct testimony of witnesses, each new month being proclaimed by the Sanhedrin. it well might happen that a witness had not known that the preceding month had consisted of thirty days, and hence thought that the day of the crime was the third, instead of the second, of the new month.

564. I.e. that since there is a minority that does not err in respect of the length of the month, why not assume that each knows the length of the preceding month?

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Sanhedrin 69b

But why so: may she not prove[1] to be barren, her husband not having married her on such a condition?[2] Hence it must be that we take into account only the majority, and the majority of women are not constitutionally barren! No. The penalty incurred on her account is a sacrifice, [but not death]. But it is explicitly stated, 'They are executed on her account?' — That refers to incest by her father. But the statement is, If any of the forbidden degrees had intercourse with her?[3] — Hence this

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[Mishnah] refers to a husband who explicitly accepted her under all conditions.

Our Rabbis taught: If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her, — Beth Shammai say, he thereby renders her unfit to the priesthood.[4] Beth Hillel declare her fit. R. Hiyya the son of Rabbah b. Nahmani said in R. Hisda's name; others state, R. Hisda said in Ze'iri's name: All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not:[5] their dispute refers only to one who is eight years old, Beth Shammai maintaining, We must base our ruling on the earlier generations, but[6] Beth Hillel hold that we do not.

Now, whence do we know that in the earlier generations [a boy of eight years] could

beget children? Shall we say since it is written: [i] [And David sent and inquired after the woman, And one said:] Is not this Bath Sheba, the daughter of Eliam, the wife of Uriah the Hittite?[7] And it is written, [ii] Eliam, the son of Ahitophel the Gilonite;[8] and it is written, [iii] And he sent by the hand of Nathan the prophet; and he called his name Jedidiah [afterwards Solomon] because of the Lord;[9] and it is written, [iv] And it came to pass, after two full years [after Solomon's birth], that Absalom had sheepshearers;[10] and it is written, [v] So Absalom fled and went to Geshur and was there three years;[11] and it is written [vi] So Absalom dwelt two full years in Jerusalem, and saw not the king's face;[12] and it is written, [vii] And it came to pass after forty years, that Absalom said unto the king, I pray thee, let me go and pay my vow, which I have vowed unto the Lord in Hebron; and it is written,[13] [viii] And when Ahitophel saw that his counsel was not followed, he saddled his ass, and arose, and got him home to his house, to his city and put his household in order, and hanged himself;[14] and it is written, [ix] Bloody and deceitful men shall not live out half their days.[15] And it has been taught: Doeg lived but thirty-four years, and Ahitophel thirty-three. Hence deduct seven years, Solomon's age when [Ahitophel] committed suicide,[16] which leaves [Ahitophel] twenty-six years old at his birth. Now deduct two years for the three pregnancies, leaving each eight years old when he begot a child.[17] But why so? Perhaps both [Ahitophel and Eliam] were nine years old [at conception], Bath Sheba being only six years when she conceived, because a woman has more [generative] vitality; the proof being that she bore a child before Solomon?[18] — But it is deduced from the following: Now these are the generations of Terah: Terah begat Abram, Nahor and Haran.[19] Now Abraham must have been [at least] one year older than Nahor, and Nahor one year older than Haran;[20] hence Abraham was two years older that Haran. And it is written, And Abram and Nahor took them wives: the name of Abram's wife was Sarai,' and the name of Nahor's wife Milcah, the daughter of Horan, the father of Milcah, and the father of Iscah.[21] Whereon R. Isaac observed: Iscah was Sarai, and why was she called Iscah? Because she foresaw [the future] by holy inspiration;[22] hence it is written, In all that Sarah hath said unto thee, hearken unto her voice.[23] Another reason is, that all gazed at her beauty. It is also written. Then Abraham fell upon his face, and laughed and said in his heart, shall a child be born unto him that is on hundred years old? and shall Sarah, that is ninety years old bear?[24] Hence, Abraham was ten years older than Sarah, and two years older than her father [Haran]. Therefore, Sarah must have been born when Haran was eight years old. But why so: perhaps Abram was the youngest of the brethren, the Writ giving them in order of wisdom? In proof of this contention, it is written, And Noah was five hundred years old, and Noah begat Shem, Ham and Japheth; hence [if the order is according to age], Shem was at least a year older than Ham, and Ham a year older than Japheth, so that Shem was two years older than Japheth. Now, it is written, And Noah was six hundred years old when the flood of water was upon the earth;[25] and it is written, These are the generations of Shem. Shem was a hundred years old, and begat Arphaxad two years after the flood.[26] But was he a hundred years old? He must have been a hundred and two years old?[27] Hence thou must say that they are enumerated in order of wisdom [not age];[28] then here too [in the case of Terah's sons], they are stated in order of wisdom.

R. Kahana said: I repeated this discussion before R. Zebid of Nahardea. Thereupon he said to me: You deduce [that the order is according to wisdom] from these verses, but we deduce it from the following: Unto Shem also, the father of all the children of Eber, the

brother of Japheth the elder, even unto him were children born;[29] this means that he was the eldest of the brothers.

Then [the difficulty remains,] whence do we know it?[30] — From this; [i] And Bezaleel the son of Uri, the son of Hur, of the tribe of Judah;[31] and it is written, [ii] And when Azubah [Caleb's wife] was dead, Caleb took unto him Ephrath, which bore him Hur.[32] Now, how old was Bezaleel when he made the Tabernacle? Thirteen years, for it is written, [iii] And all the wise men, that wrought all the work of the Sanctuary, came every man from his work which they made.[33] And it has been taught: [iv] In the first year after the Exodus, Moses made the Tabernacle; in the second, he erected it and sent out the spies. And it is written, [v] [And Caleb … said …] Forty years old was I when Moses the servant of the Lord sent me from Kadesh-barnea to espy out the land,[34] … and now lo, I am this day fourscore and five years old.[35] Now, how old was he when sent as a spy? Forty. Deduct fourteen, Bezaleel's age at the time,[36] this leaves twenty-six [as Caleb's age at Bezaleel's birth]. Now, deduct two years for the three pregnancies; hence each must have begotten at the age of eight.[37]

A SON', BUT NOT A DAUGHTER. It has been taught: R. Simeon said, Logically, a daughter should come within the scope of a 'stubborn and rebellious child',

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Original footnotes renumbered. See Structure of the Talmud Files

Dilling discussion of highlighted text

565. V. *supra* 55b.

566. In which case the marriage is null.

567. This includes the violation of the marriage bond.

568. I.e., she becomes a harlot, whom a priest may not marry (Lev. XXI, 7).

569. So that if he was nine years and a day or more, Beth Hillel agree that she is invalidated from the priesthood; whilst if he was less that eight, Beth Shammai agree that she is not.

570. When a boy of that age could cause conception.

571. II Sam. XI, 3.

572. Ibid. XXIII, 34.

573. Ibid. XII, 25.

574. Ibid. XIII, 23.

575. Ibid. 38.

576. Ibid. XIV, 28.

577. Ibid. XV, 7.

578. Ibid. XVII, 23.

579. Ps. LV, 24. This is quoted in support of the next statement that Ahitopel did not reach thirty-five, half the normal span.

580. This is arrived at by comparing verses iv, v and vi: Absalom slew Amnon two years after Solomon's birth (iv); he was exiled for three years (v); he then lived two years in Jerusalem before his rebellion (vi), in consequence of which Ahitophel hanged himself soon after (viii). Hence, Solomon was seven years old at the time.

581. For Ahitopel begat Eliam (ii), Eliam begat Bath Sheba (i), and Bath Sheba begat Jedidiah, i.e., Solomon (iii). Now even allowing only seven months for each pregnancy, these three must have taken nearly two years (Rashi tries to prove that it would take exactly two years, by allowing an additional month in each case for pre-conception menstruation and purification; but this is difficult, and it is preferable to assume with Tosaf. that the two years are approximate). Thus twenty four years are left for the three generations, giving eight years for each: Ahitopel must have been eight years at the conception of Eliam; Eliam eight years at the conception of Bath Sheba; Bath Sheba eight years at the conception of Solomon.

582. So that in any ease we are bound to assume a lower age for her conception.

583. Gen. XI, 27.

584. On the assumption that they are stated according to seniority.

585. Ibid. 29.

586. [H] is derived from the Aramaic root [H] to gaze, to look.]

587. Ibid XXI, 12.

588. Ibid. XVII, 17.

589. Ibid. VII, 6.

590. Ibid. XI, 10.

591. Since Noah was five hundred years old when Shem was born, and six hundred when the flood commenced, Shem must have been a hundred then. Consequently, two years later he was a hundred and two years old.

592. So that Shem as the youngest, not the eldest.

593. Ibid. X, 21.

594. That in the earlier generations, a boy of eight could beget child.

595. Ex. XXXVIII, 22.

596. Chron. II, 19.

597. Ex. XXXVI, 4; In the Heb. 'every man' is expressed by ish ish, the doubling of the word emphasising that he had just reached manhood.

598. Josh. XIV, 7.

599. Ibid. 10.

600. Deduced from iii and iv.

601. i shews that Caleb was Bezaleel's great-grandfather, and iii and iv shew that he was twenty-six at Bezaleel's birth, within which three generations were born.

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The messiah that the Jews are looking for today will be the Antichrist, because they rejected their true Messiah when He came to His own 2,000 years ago and they crucified Him. Jews today still practice idolatry. In fact, it's epidemic! Here's an article written by Jewish Rabbi Shraqa Simmons titled, **WHY WE DON'T BELIEVE IN JESUS**...

> http://www.aish.com/spirituality/philosophy/Why_Dont_Jews_Believe_In_Jesus$.asp

This is the heart of Judaism... CHRIST REJECTION!

The Jewish *American Defamation League* (ADL) would go ballistic if someone produced a show called "Good Jewish Bitches," but that is exactly what the Jews have done toward Christians. The new sitcom TV series called ***'GCB'*** (Good Christian Bitches) debuted on March 4, 2012 on *ABC* television. It's ok to slander and blaspheme Christians in America, but not Jews nor Muslims. The Jewish ADL doesn't say a word when Christians are attacked, because the director of programming at ABC is Jewish. The director and producers of GCB are also Jewish (and homosexuals). Truly, we are quickly approaching the end times.

Nearly every Hollywood movie today curses in God's name, blaspheming the holy name of Jesus Christ. Jewish comedian Sarah Silverman says...

"Good! I hope the Jews did kill Christ, I'd do it again. I'd F*cking do it again in a second!"

—Jewish comedian, Sarah Silverman, *Jesus is Magic*; 72-minute movie, 2006

Christians are so hated amongst Talmud Jews that they're spitting on them in Israel still today, just as they spat in Jesus' face. Christians In Jerusalem Want Jews To Stop Spitting On Them (literally). Nearly all TV networks are owned by Jews who exploit teen girls for profits. They have no respect for Christians. The Disney corporation is of the Devil. They'd never produce a show called "Good Muslim Bitches." It would NEVER happen! But they can degrade Christian women and no one gets angry. What's wrong with our churches today?

You'll Never Hear the Truth About Israel Made Any Simpler Than This

Millions of U.S. churchgoers and Christians mindless sing praises to present-day secular Israel and Christ-rejecting Jews, ignorantly misunderstanding the Words of God concerning Israel. **Exodus 19:5** plainly states, **"Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine."** Notice the conditional promise... IF, IF, IF!!! If the Jews obeyed God, only then would they be a peculiar treasure above all people on earth, as God's ambassadors to the Gentiles. Their elevated status was not because they were biological Jews; but rather, because they were doing God's work as an obedient people of God. The very notion that Jews are superior merely because of their biological origin is insane.

The unbelieving Jews in the New Testament had the same arrogant attitude that so many have today, and John the Baptist sharply rebuked them, calling them nothing. **Matthew 3:9, "And think not to say within yourselves, We have Abraham to our father: for I say unto you, that God is able of these stones to raise up children unto Abraham."** Wow! John the Baptist told the Jewish religious leaders that they were NOTHING, and that God could raise up some rocks to be Abraham's children. If God can give life to a clump of dust and make a man, and can calm the winds and waves as Christ did, He can certainly raise up some stones as Abraham's physical descendants if He wanted to. John rebuked the arrogant Christ-rejecting Jewish leaders, who thought they were something special merely because they were biological Jews.

As Pastor J. Vernon McGee Biblically points out in the following article

and MP3 clip, God promises to restore future Israel to the Promised Land when they turn to God. Pastor J. Vernon McGee Refutes Zionism (present-day Israel is NOT the fulfillment of Bible prophecy). There has been no genuine turning to God in Israel. In fact, it is quite the contrary today. Dr. McGee, before his passing into Heaven in 1988, firmly believed that there were less than 300 born-again Christians in all of modern-day Israel. The truth is that The Council On Foreign Relations (who started the United Nations after World War II) put secular Israel back on the map in 1948, not the Lord God of the Holy Bible. Present-day Israel is a Satanic counterfeit, awaiting their counterfeit Messiah, i.e., the Antichrist.

If you want to see just how sick-minded some pastors are spiritually, read about Pastor James Modlish, who said that he wanted to hire a Jewish man to witness only to Jews in his church, so that God would bless their church. That is Satanic heresy! As if hiring a black man to witness to African-Americans won't bring the same kind of blessings from God. The Biblical truth is found in **Romans 10:11, "For there is no difference between the Jew and the Greek: for the same Lord over all is rich unto all that call upon him."** Did you read that... THERE IS NO DIFFERENCE!!! God blesses soul-winning, and race has no issue nor merit in the degree of God's blessings. 1st Corinthians 3:7-8 places the emphasis upon God rewarding our labours, because only God can give the increase. That is, only God can save a soul from sin and Hell. Witnessing to Jews doesn't bring any additional rewards than witnessing to Chinese, Iranians, Koreans or Africans.

Please note that I don't believe in *Replacement Theology* (i.e., the belief that the Church replaces Israel). The Biblical truth is that believing Gentiles (the branches) are grafted into true Israel (the olive tree). **Romans 11:22-23, "Behold therefore the goodness and severity of God: on them which fell, severity; but toward thee, goodness, if thou continue in his goodness: otherwise thou also shalt be cut off. And they also, if they abide not still in unbelief, shall be graffed in: for God is able to graff them in again."**

It is common knowledge that the religious cult of Mormonism is a front for a massive child-molesting ring financed mostly by the wealthy elite from around the world (many of which are Jews). In fact, Mormonism is rooted in the Jewish Talmud and Kaballa. This in part is why Mormonism is extremely secretive and protective against the public entering into their temples. It is not hard to understand why Mormonism is connected with the Jewish Talmud when the Talmud openly teaches that Rabbis can have sex with 3-year-old girls. The Talmud also teaches that Jesus is the bastard son of a Roman soldier, and that Jesus was boiled in urine and dung and went to hell forever. This is the Jews so-called "most holy

book."

Also, the sex-sicko infamous Mormon religion is rooted in Jewish Kabbalah. I'm sick of hearing Zionist-fed evangelical Christians talk about how evil Arabs are, while totally ignoring the sex-perverted Talmud and Christ-rejecting nature of Judaism. Judaizers are liars and antichrists just as are followers of Islam! **1st John 2:22, "Who is a liar but he that denieth that Jesus is the Christ? He is antichrist, that denieth the Father and the Son."**

False Religions | Judaism is Satanic!

Ye Must Be Born Again!

The coming one world religion?

Talmud Permits Child-Adult Sex

Talmud law permits sexual intercourse between children and adults. This doctrine is contained in a number of Mishnahs. Before we examine them, however, it is necessary that the reader be familiar with the word *kethubah*.

According to the Soncino Talmud Glossary:

> KETHUBAH (Lit., 'a written [document]'); (a) a wife's marriage settlement which she is entitled to recover on her being divorced or on the death of her husband. The minimum settlement for a virgin is two hundred *zuz*, and for a widow remarrying one hundred zuz; (b) the marriage contract specifying the mutual obligations between husband and wife and containing the amount of the endowment and any other special financial obligations assumed by the husband.

— Babylonian Talmud, Soncino Talmud Glossary

Zuz is a unit of currency. We see, then, that a dollar (or *zuz*) value is put on virginity.

Now let's look at a Mishnah from Kethuboth 11a:

> ***MISHNAH.*** WHEN A GROWN-UP MAN (7) HAS HAD SEXUAL INTERCOURSE WITH (8) A LITTLE GIRL, (9) OR WHEN A SMALL BOY (10) HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR [WHEN A GIRL WAS ACCIDENTALLY] INJURED BY A PIECE OF WOOD (11) — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ] …

— Babylonian Talmud, Tractate Kethuboth 11a
Soncino 1961 Edition, page 57

The translator, Rabbi Dr. Samuel Daiches, amplifies the text with footnotes:

> 602. A man who was of age.
>
> 603. Lit., 'who came on'.
>
> 604. Less than three years old.
>
> 605. Less than nine years of age.
>
> 606. Lit., 'One who was injured by wood', as a result of which she injured the hymen.

— Rabbi Dr. Daiches

Let's review the above-cited Mishnah: "When a grown-up man has had sexual intercourse with a little girl, or when a small boy has intercourse with a grown-up woman …" It is obvious that sex activity between a grown man and a little girl, and between a grown woman and a little boy, is a part of the woof and the warp of everyday Talmud life; such relationships, in the eyes of the Sages, are unremarkable. There is no prohibition on sexual activity between adults and young children — it is simply regulated. Recall the words of the Very Reverend the Chief Rabbi of the British Empire the late Dr. Joseph Herman Hertz:

> Religion in the Talmud attempts to penetrate the whole of human life with the sense of law and right. Nothing human is in its eyes mean or trivial; everything is regulated and sanctified by religion. Religious precept and duty accompany man from his earliest years to the grave and beyond it. They guide his desires and actions at every moment.

— Rabbi Dr. Hertz (38)

Thus, if the Talmud permits girls three years old and younger to be sexually used by adults, that is the law. The concern of the Sages is to ensure that the adult is not, technically speaking, in violation of any of the rules.

Regenerating Virginity

In the Gemara that follows the Mishnah of Kethuboth 11a (cited above), the Sages discuss the issues. They say having intercourse with a girl younger than three is like putting a finger in the eye. Rabbi Dr. Daiches explains in the footnotes that, just as tears

come to the eye again and again, so does virginity come back to the little girl under three years.

> ***GEMARA***. Rab Judah said that Rab said: A small boy who has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood. (1) When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to (2) flesh. Some teach this teaching by itself: (3) [As to] a small boy who has intercourse with a grown-up woman, Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh. R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO ACCORDING TO R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER KETHUBAH IS A MANEH! (4) Raba said, It means (5) this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this, (6) it is as if one puts the finger into the eye; (7) but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] 'a girl injured by a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

— Babylonian Talmud, Tractate Kethuboth 11b
Soncino 1961 Edition, page 57-58

Rabbi Dr. Samuel Daiches amplifies the text with footnotes (page 58):

> 607. Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood.
>
> 608. Lit., 'is not in'.
>
> 609. I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah.
>
> 610. The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel.
>
> 611. Lit., 'says'.
>
> 612. Lit., 'here', that is, less than three years old.
>
> 613. I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45a.

— Rabbi Dr. Daiches

To a person unaccustomed with the Talmud culture, it may seem that discussion of sexual intercourse between grown men and very young girls is merely theoretical. But as we shall see, cases are cited, judgments are weighed and debated, and the Sages discuss the wounds suffered by the young girls as a result of the intercourse.

More on Regenerating Virginity

We know that the amount of a woman's *kethubah* depends on her virginity on her wedding day. But what of a woman who, as a little girl below the age of three years, was raped or otherwise subjected to sexual intercourse? The Sages rule that the *kethubah* of such a woman is set as if she were still a virgin.

> ***MISHNAH***. A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS TWO HUNDRED [*ZUZ*]. AND THERE IS WITH REGARD TO THEM THE CLAIM OF [NON-]VIRGINITY. (17)

— Babylonian Talmud, Tractate Kethuboth 11a
Soncino 1961 Edition, page 54

This seems like a generous and humanitarian ruling, the creation of a legal fiction of virginity when the woman is no longer physiologically a virgin. But Dr. Daiches corrects us. He tells us that, according to the Sages, the hymen of a girl younger than three *literally* grows back again.

> 614. If they had sexual intercourse before they were three years and one day old the hymen would grow again, and they would be virgins. V. 9a and 11b and cf. Nid. 44b and 45a.

— Rabbi Dr. Daiches (25)

See also the discussion of Niddah 44b and 45a, below.

As we continue to explore the Talmud doctrines on child-adult sex, we will see further confirmation that the Talmud Sages believed that the hymen regenerates in a girl younger than three.

"… Of Lesser Age, No Guilt is Incurred"

In modern America, sex between an adult and a child is condemned in proportion to the youth of the child. That is, Americans generally consider sex with a fifteen year old, a twelve year old, a six year old, and a three-year-old on a continuous scale of condemnation. The younger the child, the greater the condemnation.

Talmudic law works on the reverse scale: sex with younger children is less significant than sex with older children. How did this doctrine come about?

Scripture states thus:

> 615. Thou shalt not lie with mankind, as with womankind: it is abomination.

— Leviticus 18:22 (KJV)

The Old Testament prohibits a man lying with a man; but notice, the Old Testament does not prohibit a man lying with a boy. Thus, the Talmud Sages arrive at their position on pederasty. In the following, bestiality said to be committed "naturally" when a man uses the vaginal passage of the beast, and "unnaturally" when a man uses the anal passage of the beast. The Sages make a similar distinction for the couplings of a woman with a beast.

> ***GEMARA.*** … Rab said: Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that. (2) What is the basis of their dispute? — Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect]. (3) But Samuel maintains: Scripture writes, [*And thou shalt not lie with mankind*] *as with the lyings of a woman*. (4)
>
> It has been taught in accordance with Rab: Pederasty at the age of nine years and a day; [55a] [he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment. (5)

— Babylonian Talmud, Tractate Sanhedrin 54b - 55a
Soncino 1961 Edition, page 371

The translator, Rabbi Dr. H. Freedman, amplifies the text with footnotes. Note particularly footnote 2: "… but if one committed sodomy with a child of lesser age, no guilt is incurred." See also the final sentence of footnote 5: "… nine years (and a day) is the minimum age of the passive partner for the adult to be liable." (See Soncino Talmud Glossary for definition of Baraitha.)

> 616. I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.
>
> 617. At nine years a male attains sexual matureness.
>
> 618. Lev. XVIII, 22. Thus the point of comparison is the sexual matureness of woman, which is reached at the age of three.
>
> 619. (Rashi reads [H] instead of the [H] in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day —

> refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind*, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

— Rabbi Dr. Freedman

The plain English meaning of the Talmud text is clear, but if there is any doubt, the Soncino scholars put the matter to rest: No guilt is incurred with a boy child younger than nine, even in incest. Thus we see that Orthodox Jewish doctrines concerning homosexuality are not accurately represented by Dr. Laura and other Orthodox spokesmen.

Out of Context?

When quoted, those passages in Tractate Sanhedrin 54b and 55a are sometimes said to be taken out of context. Theologian James Trimm is one who makes this protest.(6) But now the full context of Sanhedrin 54b and 55a — and indeed, the complete Sanhedrin — is available to the readers of Come and Hear™.

Rabbi Michael Rodkinson, whose English translation of the Talmud was republished in 1918, censored the Sages' teaching on this issue. The 1918 Edition of Rabbi Rodkinson's Talmud was published under the editorship of Rabbi Dr. I. M. Wise, the pioneer of Reform Judaism. Rabbi Rodkinson explains his censorship in a footnote:

> We deem it expedient not to translate about two pages of the text preceding the next Mishna, treating of miserable crimes with men and animals, and giving the discussion with questions and answers, it would be undesirable to express in the English language …

— Rabbi Rodkinson (26)

For further discussion, see "Rabbi Rodkinson Censors the Talmud" in Do Not Censor the Talmud, Please.

Censorship, expurgation, and denial of the clear and obvious meaning of basic religious text do not help inter-religious understanding. It does not help people of different religions understand each others' faiths. See What We're About.

The lack of reliable authoritative information on the doctrines of Judaic law is a significant problem as American society and law becomes more Talmudized. Such information gaps can cause unwanted societal consequences.

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (31) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html
Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and
http://www.come-and-hear.com/editor/cp-jw-01-08-03

Oedipal Incest

According to Rabbi Dr. H. Freedman (footnote 5, above), in Sanhedrin 54b-55a the Sages confirm, "in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day." Therefore, a mother who encourages her son to have sexual intercourse with her incurs no guilt if her son is younger than nine years old and a day. In such an arrangement, the mother would be the "passive" adult, of course.

Adult Male Homosexuality

> ***MISHNAH***. HE WHO COMMITS SODOMY WITH A MALE OR A BEAST, AND A WOMAN THAT COMMITS BESTIALITY ARE STONED.

— Babylonian Talmud, Tractate Sanhedrin 54a
Soncino 1961 Edition, page 367

This clears matters up. Consenting adults who engage in homosexuality suffer the death penalty. But homosexuality with a male child under the age of nine years and a day is not punishable (Sanhedrin 54b-55a, above). Recall Rabbi Dr. Freedman's clear statement of the doctrine:

> 620. I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.

— Rabbi Dr. Freedman (21)

Female Homosexuality

But what of female homosexuality?

> ***GEMARA***. … Women who practise lewdness with one another are disqualified from marrying a priest.

— Babylonian Talmud, Tractate Yebamoth 76a
Soncino 1961 Edition, page 512 - 513

The same statement appears in Shabbath 65a, page 311. The ruling, then, is only that a woman who "commits lewdness" with another is disqualified from marrying a priest. Thus a woman who never had ambitions to marry a priest suffers no sanction for her homosexual activity.

All of this paints a different picture of Orthodox Jewish doctrine on homosexuality — as enshrined in the G-d-given law of the Talmud. What would Dr. Laura say if she knew? Or does she?

More on Oedipal Incest

In the following passage, the question before the Sages is this: If a mother committed incest with her son, would she still be eligible to marry a priest? As we shall see, the answer depends on the son's age. Again, incest with a young boy is not a concern, while incest with an older boy brings consequences to the adult. Here, the Sages debate the threshold age.

> ***GEMARA.*** … Our Rabbis taught: If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her, — Beth Shammai say, he thereby renders her unfit to the priesthood. Beth Hillel declare her fit. R. Hiyya the son of Rabbah b. Nahmani said in R. Hisda's name; others state, R. Hisda said in Ze'iri's name: All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not: (2) their dispute refers only to one who is eight years old, Beth Shammai maintaining, We must base our ruling on the earlier generations, but (3) Beth Hillel hold that we do not.

— Babylonian Talmud, Tractate Sanhedrin 69b
Soncino 1961 Edition, page 470

The translator, Dr. Freedman, uses "cohabitation" to denote sexual intercourse. (32) He amplifies the text with footnotes.

> 621. So that if he was nine years and a day or more, Beth Hillel agree that she is invalidated from the priesthood; whilst if he was less that eight, Beth Shammai agree that she is not
>
> 622. When a boy of that age could cause conception.

— Rabbi Dr. Freedman

The issue rests on the boy's theoretical ability to cause conception. Since (theoretically) a boy younger than nine cannot cause conception, he cannot (theoretically) engage in sexual intercourse (see above, from page 58, footnote 1, "… the intercourse of a small boy is not regarded as a sexual act"). This is a specialized definition of sexual intercourse.

The boy's youth also exempts the man who sodomizes him — from moral guilt and legal liability. That is, the young boy cannot "throw guilt" on a man who lies with him, and the Scripture does not apply. If the boy is old enough to cause conception, the man who lies with him is in violation of Scripture.

And now we have the answer to a question that might have occurred to the reader when we discussed incest between mother and son, above: Why wouldn't a mother like that be charged with incest? We have seen this explanation from Rabbi Dr. Freedman before, but it warrants further study. In a synthesis of logical premises unique to Talmudism, the translator again helps us out with a footnote. The language is complex, but the meaning of the last few lines is clear: By reckoning back and forth between the definition of "man," "cause conception," "active," and "passive" participants in a sexual act, the conclusion is drawn that incest is not punishable with a boy younger than nine years old.

> 623. [Rashi reads [H] instead of the [H] in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day — refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind,* where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

— Rabbi Dr. Freedman (24)

American Puritanism vs. Rabbinic Tradition

Forward reports criticism of Young Israel's award to Dr. Laura.

> The problem, according to her liberal critics, is that Ms. Schlessinger pushes a conservative, pro-life platform that is out of touch with the mostly liberal American Jewish public. Worse, they say, is that her "sanctimonious" moralism and harsh style are more a reflection of American Puritanism than the ancient rabbinic tradition.
>
> "It's sad that with all the outstanding individuals doing great work, the National

> Council of Young Israel has chosen someone whose comments have been so divisive within and outside of the Jewish community," said Rabbi Douglas Kahn, the executive director of the Jewish Community Relations Council of San Francisco.
>
> Rabbi Kahn said he was referring in particular to the controversy sparked by Ms. Schlessinger's claim that homosexuality is "deviant" and a "biological error." Last year gay rights organizations and other liberal groups organized a boycott of Ms. Schlessinger's new television show, which was eventually canceled due to poor ratings.
>
> More than a dozen Jewish leaders signed a critical letter to Ms. Schlessinger, including Rabbi Paul Menitoff, the executive vice president of the Reform movement's Central Conference of American Rabbis.

— Forward(5)

Indeed, Rabbis Kahn, Menitoff, and other Reform rabbis are right. Dr. Laura is not representing "the ancient rabbinic tradition," which allows ample room for homosexuality and pederasty. But why didn't Rabbis Kahn and Menitoff and their Reform colleagues publicly correct Dr. Laura and her Orthodox mentors, in particular Rabbi Moshe Bryski, by using the authority of direct quotes from the Talmud?

Children as Concubines, Babies as Wives

The ancient Hebrews were permitted to use children as concubines. Moses established the precedent. In the passage below, the Hebrews have just massacred the Midianite men. They return home with booty, and the Midianite women and children. Moses directs them to slaughter the captive women and children with this exception: virgin girl children are to be kept as concubines for the Hebrews.

> 624. And they brought the captives, and the prey, and the spoil, unto Moses, and Eleazar the priest, and unto the congregation of the children of Israel, unto the camp at the plains of Moab, which are by Jordan near Jericho.
>
> 625. And Moses, and Eleazar the priest, and all the princes of the congregation, went forth to meet them without the camp.
>
> 626. And Moses was wroth with the officers of the host, with the captains over thousands, and captains over hundreds, which came from the battle.
>
> 627. And Moses said unto them, Have ye saved all the women alive?
>
> 628. Behold, these caused the children of Israel, through the counsel of Balaam, to commit trespass against the LORD in the matter of Peor, and there was a plague among the congregation of the LORD.
>
> 629. Now therefore kill every male among the little ones, and kill every woman that hath known man by lying with him.

630. But all the women children, that have not known a man by lying with him, keep alive for yourselves.

— Numbers 31:12-18 (KJV)

In the following, the Talmud Sages reason that, since Phinehas was among the Hebrews who were permitted a child concubine and Phinehas was a priest, Numbers 31:17-18 is Divine sanction for the marriage of priests with girls under the age of three — babies. The rabbis describe the babies as proselytes. The *American Heritage Dictionary* defines *proselyte* as "a Gentile converted to Judaism." In the following passage, a bondman is a male slave, and a bondwoman a female slave.

> ***GEMARA.*** … It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest, (2) for it is said, *But all the women children that have not known man by lying with him, keep alive for yourselves*, (3) and Phinehas (4) surely was with them. And the Rabbis? (5) — [These were kept alive] as bondmen and bondwomen. (6) If so, (7) a proselyte whose age is three years and one day (8) should also be permitted! — [The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, *Kill every woman that hath known man by lying with him*, (9) but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, *But all the women children, that have not known man by lying with him, keep alive for yourselves*, (3) but do not spare them if they have known. Consequently (10) it must be said that Scripture speaks of one who is fit (11) for cohabitation. (12)

— Babylonian Talmud, Tractate Yebamoth 60b
Soncino 1961 Edition, page 402

This is a special definition of cohabitation. The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

631. She is not regarded as a harlot.

632. Num. XXXI, 18.

633. Who was a priest.

634. How could they, contrary to the opinion of R. Simeon b. Yohai, which has Scriptural support, forbid the marriage of the young proselyte?

635. Not for matrimony.

636. That, according to R. Simeon, Num. XXXI, 18 refers to matrimony.

637. So long as she has *'not known man'*.

638. Num. XXXI, 17.

639. To reconcile the contradiction.

640. I.e., one who had attained the age of three years and one day.

641. Not one who had actually experienced it.

— Rev. Dr. Slotki

The doctrine that Jewish men may have sexual intercourse with non-Jewish children ("proselytes") under the age of three is expanded in the following passage; "Rabbi" is Judah the Prince.

> ***GEMARA.*** … R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The *halachah* is in agreement with R. Simeon b. Yohai. (13) Said R. Zera to R. Jacob b. Idi: Did you hear this (13) explicitly or did you learn it by a deduction? What [could be the] deduction? — As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day, (14) and Rabbi declared her eligible to live with a priest. (15)

— Babylonian Talmud, Tractate Yebamoth 60b
Soncino 1961 Edition, page 403

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

642. That a proselyte under the age of three years and one day may be married by a priest.

643. And was married to a priest.

644. I.e., permitted her to continue to live with her husband.

— Rev. Dr. Slotki

Not every Sage agreed with this practice. The Talmud records the words of one Sage who objected to one case, though it does not record the specifics of his objection.

> ***GEMARA.*** … A certain priest married a proselyte who was under the age of three years and one day. Said R. Nahman b. Isaac to him: What [do you mean by] this? (12) — The other replied: Because R. Jacob b. Idi stated in the name of R. Joshua b. Levi that the *halachah* is in agreement with R. Simeon b. Yohai. (13) 'Go', the first said, 'and arrange for her release, or else I will pull R. Jacob b. Idi out of your ear'. (14)

— Babylonian Talmud, Tractate Yebamoth 60b
Soncino 1961 Edition, page 404

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

645. I.e., on what authority did you contract the marriage.

646. V. *supra* p. 403. n. 13.

647. He would place him under the ban and thus compel him to carry out his decision which is contrary to that of R. Jacob b. Idi.

— Rev. Dr. Slotki

How Old Is the Screamer?

In Talmud doctrine, if a wife is a screamer — that is, her voice can be heard by the neighbors — she can be divorced without her *kethubah*.

> ***MISHNAH***. THESE ARE TO BE DIVORCED WITHOUT RECEIVING THEIR KETHUBAH: A WIFE WHO TRANSGRESSES THE LAW OF MOSES OR [ONE WHO TRANSGRESSES] JEWISH PRACTICE … [SUCH TRANSGRESSIONS INCLUDE] ALSO THAT OF A WIFE WHO CURSES HER HUSBAND'S PARENTS IN HIS PRESENCE. R. TARFON SAID: ALSO ONE WHO SCREAMS. AND WHO IS REGARDED A SCREAMER? A WOMAN WHOSE VOICE CAN BE HEARD BY HER NEIGHBOURS WHEN SHE SPEAKS INSIDE HER HOUSE.

— Babylonian Talmud, Kethuboth 72a
Soncino 1961 Edition, page 449

However, in the current context of the child bride, the matter becomes another issue. It is surely possible that a three or four-year-old wife screams in pain when required to perform her marital duties. On reading further, the Gemara explains that if the wife screams during intercourse, it may be a sign of a physical defect.

> ***GEMARA***. … R. TARFON SAID: ALSO ONE WHO SCREAMS. What is meant by a screamer? — Rab Judah replied in the name of Samuel: One who speaks aloud (10) on marital matters. In a Baraitha it was taught: [By screams was meant a wife] whose voice (11) during her intercourse in one court can be heard in another court. But should not this, then, (12) have been taught in the Mishnah (13) among defects? (14) — Clearly we must revert to the original explanation. (15)

— Babylonian Talmud, Tractate Kethuboth 72b
Soncino 1961 Edition, page 453

Rev. Dr. Israel W. Slotki amplifies the above Gemara in the following footnotes. He tells us these were not screams of pleasure — they were screams of pain.

648. Lit., 'makes her voice heard'.

649. Her screams of pain caused by the copulation.

650. Since her screaming is due to a bodily defect.

651. Infra 77a.

652. Of course it should. Such a case in our Mishnah is out of place.

653. That given in the name of Samuel.

— Rev. Dr. Slotki

In some cases, however, the screaming wife may be one who is so young and physically underdeveloped, her sexual organs cannot accommodate those of a grown man. It seems this child is at risk of being divorced without her *kethubah*. That is, of course, a concern.

A Different Viewpoint

There is not Talmud prohibition against sexual activity between an adult and very a young child on the basis that such activity could wound the child. Instead, the concern of the Sages is focused on interpreting Biblical injunctions and technicalities that absolve the adult from guilt or liability: At what age, they ask, does the child begin to cause "defilement" of the adult who uses the child for sex?

This next passage illustrates the point once more. The Sages debate "from what age does a heathen child cause defilement"? Is it nine years, or is it three years? If the correct threshold age is observed, the Jew incurs no guilt for the act of pederasty.

> ***GEMARA***. … From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day, [37a] for inasmuch as he is then capable of the sexual act he likewise defiles by emission. Rabina said: It is therefore to be concluded that a heathen girl [communicates defilement] from the age of three years and one day, for inasmuch as she is then capable of the sexual act she likewise defiles by a flux. This is obvious! — You might argue that he is at an age when he knows to persuade [a female] but she is not at an age when she knows to persuade [a male, and consequently although she is technically capable of the sexual act, she does not cause defilement until she is nine years and one day old]. Hence he informs us [that she communicates defilement at the earlier age].

— Babylonian Talmud, Tractate Abodah Zarah 36b-37a
Soncino 1961 Edition, pages 178-179

This may surprise the American reader who encounters it for the first time. In our society, of course, an adult who uses a child — particularly a very young child — for sexual activity is criminally censured.

Brother Takes Three-Year-Old Widow

In Tractate Niddah, again there is approval for priests to marry and copulate with baby girls. This passage describes a situation in which a priest dies without children, leaving a three-year-old widow. In such case, the priest's brother (the *yebam*) can acquire the girl by having sexual intercourse with her. *The ellipsis (...) in the following Mishna indicates the omission of non-germane text. The full text is available through the link at the Come and Hear™ link, below.*

> ***MISHNAH.*** A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED BY INTERCOURSE; … IF SHE WAS MARRIED TO A PRIEST, SHE MAY EAT TERUMAH.

— Babylonian Talmud Tractate Niddah 44b
Soncino 1961 Edition, page 308

Terumah is the word for temple offerings eaten by priests. This statement indicates that the three-year-old bride is the widow of the priest in all respects and privileges.

In the passage below, we see that the widow of a man who is not a priest can be sexually possessed by her erstwhile brother-in-law and thereby become his wife.

> ***GEMARA.*** … R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his.

— Babylonian Talmud, Tractate Sanhedrin 55b
Soncino 1961 Edition, page 376

The statement quoted above from Tractate Sanhedrin 55b also appears in Tractate Sanhedrin 69a, Soncino 1961 Edition, page 469.

Wounding Young Brides by Intercourse

The Sages go on to discuss sexual intercourse with a girl younger than three years old: Wounding the child and causing her to bleed is one possible result. From the Sages' description, it is apparent that the baby bleeds again and again from copulation with a grown man, and the Sages, once again, attribute the bleeding to the repetitive rupturing of the hymen (i.e., virginity growing back).

In the following Mishnah, non-germane text is omitted (...). Please follow the source link to view the complete Mishnah.

> ***MISHNAH***. A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED BY INTERCOURSE; … IF ONE WAS YOUNGER THAN THIS AGE INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE.

— Babylonian Talmud, Tractate Niddah 44b
Soncino 1961 Edition, page 309

The image of "a finger in the eye" is once again explained in the following Gemara. The possibility that the three-year-old committed adultery with a stranger is also addressed:

> ***GEMARA***. … IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE. It was asked, Do the features of virginity disappear and reappear again or is it possible that they cannot be completely destroyed until after the third year of her age? In what practical respect could this matter? — In one, for instance, where her husband had

> intercourse with her before the age of three and found blood, and when he had intercourse after the age of three he found no blood. If you grant that they disappear and reappear again [it might well be assumed] that there 'was not sufficient time for their reappearance, but if you maintain that they cannot be destroyed until after the age of three years it would be obvious that a stranger cohabited with her. Now what is your decision? — R. Hiyya son of R. Ika demurred: But who can tell us that a wound inflicted within the three years is not healed forthwith, seeing it is possible that it is immediately healed and it would thus be obvious that a stranger had cohabited with her? Rather the practical difference is the case, for instance, where her husband had intercourse with her while she was under three years of age and found blood and when he had intercourse after the age of three he also found blood. If you grant that the features disappear and reappear again the blood might well be treated as that of virginity, but if you maintain that they cannot be destroyed until after the age of three years, that must be the blood of menstruation. Now what is your decision? — R. Hisda replied, Come and hear: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE; what need was there to state, LIKE PUTTING A FINGER IN THE EYE' instead of merely saying: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS of no consequence'? Does not this then teach us that as the eye tears and tears again so do the features of virginity disappear and reappear again.

— Babylonian Talmud, Tractate Niddah 45a
Soncino 1961 Edition, page 309-310

Rest for the Intercourse Wound

This Gemara from Tractate Kethuboth takes up the discussion of the pre-pubescent bride who is wounded by intercourse.

> ***GEMARA***. … R. Hisda objected: If a girl, whose period to see [blood] had not arrived yet, got married, Beth Shammai say: One gives her four nights, and the disciples of Hillel say: Until the wound is healed up. (1) If her period to see [blood] had arrived and she married, Beth Shammai say: One gives her the first night, and Beth Hillel say: Until the night following the Sabbath [one gives her] four nights.

— Babylonian Talmud, Tractate Kethuboth 6a
Soncino 1961 Edition, page 20-21

The translator, Rabbi Dr. Samuel Daiches, amplifies the text with this footnote.

> 654. The blood that comes out is attributed to the wound and not to menstruation. Ordinarily, after the first intercourse further intercourse is forbidden until the coming out of blood, i.e., menstruation, is over. But in this case, in which the young bride had never yet had any menstruation, it is assumed that the blood is not due to menstruation but to the wound

> caused by the intercourse. According to Beth Shammai this assumption holds good for four nights, and according to Beth Hillel it holds good 'until the wound is healed up.' As to the definition of this phrase, v. Nid. 64b. V. also Nid. 65b, where it is finally decided that after the first coition no further intercourse must take place until the flowing of blood has stopped, even in the case of a young bride who had not yet had any menstruation. V. also Eben ha-'Ezer, 63, and Yoreh De'ah, 193.

— Rabbi Dr. Daiches

We have been told that according to Jewish law, a post-pubescent bride who bleeds after the first intercourse does not have intercourse again until after her next menstrual period (above). The situation is different, however, for a bride who has not reached the age of menstruation. What are the rules concerning the bleeding pre-pubescent bride? Shammai rabbis say the intercourse wound should be given four nights rest. The Hillel rabbis recommend abstinence until the wound is healed (Kethuboth 6a). See also Tractate Niddah, as follows:

> ***MISHNAH***. IF A YOUNG GIRL, WHOSE AGE OF MENSTRUATION HAS NOT YET ARRIVED, MARRIED, BETH SHAMMAI RULED: SHE IS ALLOWED FOUR NIGHTS, AND BETH HILLEL RULED: UNTIL THE WOUND IS HEALED.

— Babylonian Talmud, Tractate Niddah 64b
Soncino 1961 Edition, page 454

Again, there is no prohibition of a sexual practice that would almost certainly cause physical damage to a young girl due to the mismatched sizes of genitals between an adult's penis and a child's vagina or anus.

Old Fashioned Torah Values?

> At a time when Americans are displaying an ever-increasing interest in all things Jewish — from kabbala to Senator Joseph Lieberman to "Kosher Sex" — Dr. Laura is the most popular source for a healthy dose of Jewish nagging, guilt trips and what she presents as lessons in good old-fashioned Torah values.

— Forward(5)

We have seen in Numbers 31:12-18 that Moses permitted grown men to use little girls as concubines. In the Talmud, grown men are permitted to have sexual intercourse with female babies and children, and homosexual relations with boys younger than nine.

Those "good old fashioned Torah values" are not quite as Christian America remembers them.

Marital Duties of the Pre-Pubescent Bride

The marital duties of the pre-pubescent brides are addressed in at least three tractates in

almost the same words (Yebamoth 12b and 100b, Niddah 45a, and Kethuboth 39a).

In the following passage, the Sages discuss the use of contraception. All the Sages agree that a wife younger than eleven — a wife who is too young to become pregnant — is required to carry on "marital intercourse" in the normal manner. Recall that those brides can be as young as three, and sometimes younger.

> ***GEMARA***. … Three classes of woman may use an absorbent (1) in their marital intercourse: (2) A minor, and an expectant and a nursing mother. The minor,(3) because otherwise she might become pregnant and die. An expectant mother, (3) because otherwise she might cause her foetus to degenerate into a sandal. (4) A nursing mother, (3) because otherwise she might have to wean her child prematurely, (5) and this would result in his death. And what is the age of such a 'minor'? (6) From the age of eleven years and one day to the age of twelve years and one day. One who is under (7) or over this age (8) must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages ruled: The one as well as the other carries on her marital intercourse in a normal manner and mercy (9) will be vouchsafed from heaven, for it is said in Scripture, *The Lord preserveth the simple* (10) …

— Babylonian Talmud, Tractate Niddah 45a
Soncino 1961 Edition, page 311

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with these footnotes:

> 655. *Muk*, flax or hackled wool.
>
> 656. To avoid conception.
>
> 657. Is permitted the use of the absorbent.
>
> 658. A fish-shaped abortion. Lit., 'flat-fish'.
>
> 659. On account of her second conception which causes the deterioration of her breast milk.
>
> 660. Of whom it has been said that she is capable of conception but is thereby exposed to fatal consequences.
>
> 661. When conception is impossible.
>
> 662. When conception involves no danger.
>
> 663. To protect them from harm.
>
> 664. Ps. CXVI, 6; *sc*. those who are unable to protect themselves. At any rate it was here stated that a minor under eleven years of age is incapable of conception. …

— Rev. Dr. Slotki

Did Girls Reach Puberty Earlier Then?

It is sometimes claimed that in the days when the Talmud Sages walked the earth, girls matured earlier; hence, sexual intercourse with girls three years old and younger was not inappropriate. However, the Talmud itself repudiates this assertion.

In Tractate Niddah 45a (quoted above), the Sages argue: "From the age of eleven years and one day to the age of twelve years and one day" a girl may use an "absorbent" (contraception) "because otherwise she might become pregnant and die." The Sages also say girls younger (than eleven) must carry on sexual intercourse "in the normal manner." Therefore, as a general rule, the Sages did not expect a girl younger than eleven could get pregnant. The statements in Niddah 45a indicate that sexual maturation of women in the time of the Talmud Sages compares with sexual maturation of women in our own day.

Or consider the passage that appears just previous in Niddah 45a:

> ***GEMARA***. … It is related of Justinia the daughter of 'Aseverus son of Antonius that she once appeared before Rabbi. 'Master', she said to him, 'at what age may a woman marry?'. 'At the age of three years and one day', he told her. 'And at what age is she capable of conception?' 'At the age of twelve years and one day', he replied. 'I', she said to him, 'married at the age of six and bore a child at the age of seven; alas for the three years that I have lost at my father's house'. But can a woman conceive at the age of six years?

— Babylonian Talmud, Tractate Niddah 45a
Soncino 1961 Edition, page 310

Justinia's assertion that she had a child at seven is surprising, and it even surprises the Sages ("But can a woman conceive at the age of six years?"). But note that Rabbi (Judah the Prince), who was familiar with far more than a single girl's experience, estimated twelve as the earliest age for childbearing. Rabbi would of course be familiar with all phases of human life from his career of counseling, judging, and recording. Remember (Talmud Laws of Menstruation), the rabbis were intimately familiar with the physiological details of their female parishioners, consulted even on specimens of a woman's vaginal discharge. Rev. Dr. Slotki remarks on the above Gemara in footnote 10 on the following page:

> 665. … At any rate it was here stated that a minor under eleven years of age is incapable of conception. How then is Justinia's story to be reconciled with this statement?

— Rev. Dr. Slotki (3)

The Rights of the Child

The treatment of children in Orthodox Judaism has caused concern in Italy. A Genoa court, ruling in a custody dispute, accepted the report of psychologists that Orthodox Judaism views "exploitation and cruelty to minors as legitimate … and perverted

behavior as normal." For more details, see Appendix: The Rights of the Child.

The Rudin Standard

Let us consider again *Forward*'s coverage of Dr. Laura's National Heritage award from Young Israel.

> With 20 million listeners and a tendency to present her conservative views as an outgrowth of her Orthodox Jewish faith, Dr. Laura may well be Judaism's top ambassador to middle America.

— Forward (5)

But we notice Dr. Laura never tells Middle America about the doctrines of Orthodox Judaism on child-adult sex. We wonder how things would work out for her ratings if she followed the advice of Rabbi A. James Rudin, Senior Interreligious Adviser of the American Jewish Committee.

In February 2002, Rabbi Rudin wrote an article for *Forward*, commenting on the Vatican's decision to open its World War II archives — partially. In that context, Rabbi Rudin offered the Vatican the following advice:

> … one thing is clear. Partial, incomplete or pre-selected archival records will not be enough in a world where transparency and full disclosure is now the norm if an institution — whether political, financial, or spiritual — is to maintain its integrity.

— Rabbi A. James Rudin (8)

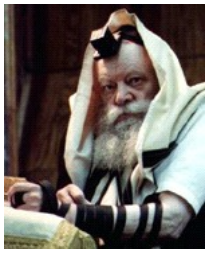
If it is important to fully disclose records of historical events, surely it is more important to fully disclose fundamental religious doctrines that may soon be embodied in US law — especially when those doctrines are controversial.

On the subject of child-adult sex, there is a great divide between Talmud culture and American culture. However, the extent of that divide is known only to one side. Rabbis in America know and understand American culture, Americans know almost nothing about Talmud culture. When the fundamental doctrines of the Talmud are examined carefully, we find that feminist writer Judith Levine, author of *Not Harmful to Minors: The Perils of Protecting Kids from Sex*, is truer to classical Judaism than Dr. Laura.

Jewish leadership — from the most liberal of the Reform rabbis to the most conservative of the Orthodox rabbis — have done Judaism a disservice by not coming forward with the facts and applying Rabbi Rudin's standard of full disclosure. How can we achieve understanding between people of different religious faiths if we do not take courage and stand behind our own religious convictions?

1. **America's New Government Church** - AntiMatrix

There are changes in the wind. Some people may be happy, some may be unhappy. Let's go directly to the Talmud to see its laws on some social concerns.



Rabbi Menachem Mendel Schneerson, (2) the Lubavitcher Rebbe, 1902-1994. His birthday has been regularly recognized by special Congressional declarations. These were effected by declaring his birthday "Education Day." The proclamations go as far back as 1976. Rabbi Schneerson's name appears in every bill and the date moves about on the Julian calendar to follow the wandering cycles of the Babylonian lunar calendar used by Judaism. In 1991, Congress coupled Rabbi Schneerson's birthday recognition with a declaration stating that the Talmud Noahide Laws are "the basis of civilized society and upon which our great Nation was founded". — US Congress (1)

The package on the Rebbe's forehead is a *tephillin* (or phylactery) which, as described by Reverend Dr. Abraham Cohen, "consists of two small leather cases with straps attached, in each of which is inserted parchment inscribed with four Biblical passages: Exod. xiii. 1-10, 11-16; Deut. vi. 4-9, xi. 13-21. That is the traditional method of fulfilling the law: 'Thou shalt bind them for a sign upon thine hand, and they shall be for frontlets between thine eyes.' (Deut. vi. 8)" — Reverend Dr. Cohen (3)

Antonin Scalia, Supreme Court judge, is said to be a devout Catholic with a fascination for Jewish law. Under circumstances that are not explained, Justice Scalia developed a correspondence with Rabbi Noson Gurary (a disciple of the late Rabbi Schneerson). During this exchange, Scalia mentioned his "fascination with Jewish law." That prompted Rabbi Garary to found the National Institute for Judaic Law (NIJL). (45) The Institute promotes courses on Talmud-based law in American law schools and otherwise injects Talmud-based law into American society.

The founding of NIJL was celebrated by a gala kosher dinner on November 5, 2002. Justice Scalia and two other Supreme Court judges were among 200 dinner guests. Where was the dinner held? In the Supreme Court building.

Site of Kosher Banquet

The American public first learned of the Supreme Court kosher dinner by reading the news in *The Jerusalem Post*, November 9, 2002. (45) This remarkable event was not reported contemporaneously by either *The Washington Post* or *The Washington Times*. Missing from *The Jerusalem Post* coverage was the role Scalia may have played in securing the use of the Supreme Court building as a banquet hall for Rabbi Gurary.

Why a devout Catholic like Justice Scalia would promote Talmud-based law is not clear. The Talmud classifies Christians as idolaters, and the Noahide regulations require that idolaters — devout Catholics, for example, people exactly like Justice Scalia — be put to death. Could it be that Rabbi Gurary did not tell Justice Scalia about the Noahide provisions to execute people like Scalia?

Justice Scalia has demonstrated a soft spot for Judaism in other ways. He was the first judge to use the world *chutzpah* in a Supreme Court decision. (41)

According to an article in *Jewish Law*, "… Justice Scalia … has repeatedly called for more expressions of tradition and religion in American society. The use of the word *chutzpah*, with its historical roots and association with Judaism, may fulfill such a role. It also comports with his legal philosophy. He favors the 'nonpreferentialist' view, which posits that government may support religion in general but not in a way that prefers any particular religion. For Justice Scalia to use a term of a Jewish cultural language in a Supreme Court decision could be viewed as in keeping with the nonpreferentialist legal doctrine." — Jewish Law (54)

The word *chutzpah* is not a religious word, nor is it a traditional American word. It is a Yiddish word meaning, roughly, "unmitigated gall." It is surprising that *Jewish Law* would attach such significance to the incidental use of a Yiddish word.

If given a judicial opportunity, will Justice Scalia rule in favor of the Noahide Laws? He could describe them as "nonpreferentialist," in the much the same way that Congress described them as "the bedrock of society from the dawn of civilization." That sounds most "nonpreferentialist," provided one does not mention death sentences for Christians.

Equal Justice Under Law

Talmud law also provides that Jews and non-Jews be judged by dramatically different standards. For example, in capital cases, 23 judges must sit in judgment on a Jew; two eyewitnesses must have witnessed the offense, and warned him of the potential penalty. In contrast, a Gentile gets one judge, and is convicted on the testimony of one eyewitness with no warnings. See US v. Talmud Law for more details on capital cases. See The Talmud Lives for Jews for details on civil cases.

Justice Scalia has sworn an oath to uphold the US Constitution and the Bill of Rights. Given that the words Equal Justice Under Law are emblazoned over the cornice of the very building that houses Scalia's office, Justice Scalia is one **V**ery **I**nteresting **P**erson.

Neatly separating head from shoulders with a single blow of the axe …

"… in speaking of heathens, when the Tanna teaches that they are forbidden to do something, he *ipso facto* teaches that it is punishable by death; for only in speaking of Jews is it necessary to distinguish between prohibition and punishment." — Rabbi Dr. Freedman

"… every death penalty decreed for the sons of Noah is only by decapitation." — Sanhedrin 56a

Rabbi Yitzchok Adlerstein is the director of Project Next Step of the Simon Wiesenthal Center in Los Angeles and a professor of Jewish Law and Ethics at Loyola Law School. Rabbi Adlerstein calls the Talmud, "the world's oldest continuously-practiced legal code." (55)

"For a Jew to be convicted by a Jewish court, two eyewitnesses must have seen the

perpetrator about to commit the crime and warned him of the potential penalty. The murderer must verbally answer that he chooses to proceed anyway. (For a non-Jew, only one witness is required and no verbal warning.)" (57)

We can see why a Jew on trial for his life might prefer a Jewish court — but why would a non-Jew? What would Talmud-based law have to offer that is better than trial by a jury of peers, the Bill of Rights, and Equal Justice Under Law?

The National Menorah is now an annual feature on the Ellipse, adjacent to the White House in Washington, DC — it is part of the government-sponsored Christmas/ Hanukkah/ Winter Solstice/ Kwanzaa festivities.

The Washington Times, Monday, December 12, 2002, carried a front-page picture and story above the fold of the lighting of the National Menorah. The caption reads: "From left, Rabbi Abraham Shemtov, Rabbi Levi Shemtov, and Undersecretary of Defense Dov Zakheim lit the National Menorah on the Ellipse from a cherry picker to mark the third night of Hanukkah, last night." All three men are Friends of Lubavitch. Other friends of Chabad Lubavitch include former Press Secretary to President Bush Ari Fleischer, and Senator Joseph Lieberman, (D-CT), a possible candidate for the US presidency.

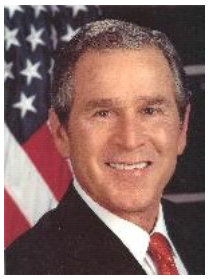
The Washington Times, Monday, December 12, 2002, (detail).

The box carrying the men reads, "Hanukkah - Friends of Lubavitch." As careful as the White House is in their public relations of all matters religious, this seems to be a clear message to the nation: of the three rabbis, all are Orthodox.

"In the struggle for the soul of American Jewry, the Orthodox model has triumphed." — Samuel G. Freedman (52)

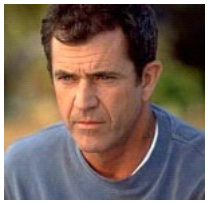
Dov Zakheim is Comptroller of the Pentagon, and an ordained Orthodox rabbi. He is also

the Department of Defense "point man" in charge of "rebuilding a terrorist-free Afghanistan" for the Muslim Afghanis. — AFIS (68)



US President George W. Bush "sent greetings and applauded the institute for promoting an 'understanding of Judaism's rich tradition of legal thought. As we face new challenges and welcome new opportunities, our society must continue to promote good character and strong values. Through the study and teaching of Jewish law and philosophy you are contributing to a growing culture of service, citizenship, and responsibility in America,' Bush wrote."

The occasion was a kosher dinner held at the US Supreme Court Building in Washington, DC by the National Institute of Judaic Law to celebrate the occasion of the Institute's founding. According to the Jerusalem Post, the purpose of the Institute is to teach Judaic law to US law students and jurists, and to file legal opinions in US courts. (44)



Mel Gibson is a practicing Roman Catholic Christian. Gibson is currently making a movie about the last day in the life of Jesus.

On March 24, 3003, Abraham Foxman, the National Director of the Anti-Defamation League, wrote Gibson a letter, issuing a thinly veiled demand that Gibson submit his script or a precise for ADL approval. "… we have serious concerns … and would like to be assured … Passion plays have an infamous history of leading to hatred, violence, and even death of Jews."(62)

On the other hand, the ADL publishes a speech given by the First Lady of New York,

Mrs. George (Libby) Pataki. Mrs. Pataki gave her speech upon the acceptance of an award given to her by the ADL for her unwavering support of Israel. In her speech, Mrs. Pataki denounced the Koran and those who practice the Islamic religion. She identified Islam with terrorism, saying in part:

"It leaves us at war with an enemy that has no conscience. They do not deal in reality with statistics and facts. They deal in rhetoric filled with hatred and founded in ignorance. They praise murderers as martyrs. The speak peace and buy illegal weapons … They TARGET women and children for death …

" The fight is not just about Israel. It is about all people that hate terror and love peace. It is about freedom and the right to live one's life without fear. Under the Taliban in Afghanistan, women were forbidden to hold jobs, drive cars, own land, be educated, and for that matter, show their face. They were forbidden from doing things by the Koran, which ironically they are not even allowed to read. If their husband dies they have no way to feed their children. Sometimes, the women beg for enough money to buy stale bread, which they mix with water and feed to their children. In other families the women were forced into prostitution and then charged and executed for the same offense. If any of you have seen Saira Shaw's 'Beneath the Veil,' you know what I am talking about." (65)

Does the ADL worry that First Lady Pataki's message might lead to the "hatred, violence, and even death" of Muslims? We are left with the following alternatives. Either:

a) The ADL is publicizing Mrs. Pataki's speech to incite "hatred, violence, and even death" against Muslim Americans — or

b) The ADL is entirely cynical about the consequences of so-called hate speech.

Abraham H. Foxman is the National Director of the Anti-Defamation League (ADL). The ADL web page carries these words from Mrs. Pataki:

"As a premier civil rights and human relations agency, ADL combats anti-Semitism and racism against all peoples, regardless of background." (65)

We're puzzled. As far as we know, the ADL did not send a letter of protest to Congress when it declared the Talmud's Noahide Laws were the basis "upon which our great Nation was founded." Noahide Law regulations call for the decapitation of practicing Christians — people like Mel Gibson.

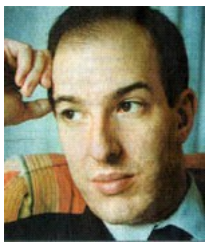
Richard Gephardt, Missouri District 3, served as Democratic Leader of the U.S. House of Representatives, Majority Leader of the House, and as one of the nation's leading Democrats for much of the last two decades.

On March 05, 1991, Rep. Gephardt co-sponsored H.J. Res. 104, which reads in part as follows:

"Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded; Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the **Seven Noahide Laws** …" — US Congress (1)

Congressman Robert Michel (R-Ill.) was first elected in 1956 to the 85th Congress from the 18th congressional district in Illinois. He served from his election in 1956 until his retirement in 1994. He was Minority Whip from the 94th Congress through the 96th. He served as Minority Leader, though he preferred the title Republican Leader, from the 97th through the 103rd Congress.

Rep. Michel was co-sponsor of the 1991 declaration concerning the Noahide Laws, along with Rep. Gephardt.



Anthony Romero, executive director of the American Civil Liberties Union, is quoted in *The Washington Post* caption to this picture, "At the most personal level, I love this

country like nothing else."

The ACLU has concerned itself with First Amendment issues in America for almost a century. An advanced search of the ACLU site with google.com reveals 776 references to the Ten Commandments. For example:

"The ACLU opposes the display of the Ten Commandments in public schools, classrooms, and in other public institutions on the ground that such displays violate the First Amendment."

However, a Google search of the ACLU site does not reveal a single mention of the Noahide/ Noachide/ Noachian Laws.

Explanations vary for this singular disinterest. One commentator suggested, "The ACLU concerns itself with Freedom of Speech issues; in contrast, the Noahide Laws involve the freedom to breathe, and that falls outside the ACLU's special interest."

Do you know the difference between *Talmud* and *Torah* as those words are used by religious Jews? The terms are confusing and if they are confused, no one will understand what is being said. Find out from Critical Words of Talmud Study. (49)

Rabbi Shmuley Boteach, a Kabbalist, is a disciple of the late Rabbi Menachem Mendel Schneerson. He is friends with Uri Geller, Madonna, and Michael Jackson. According to ABC News, "Boteach's … rabbinical answer to Dr. Ruth began with the 1999 publication of *Kosher Sex*, a best seller that shook the Orthodox Jewish community for stressing, among other things, that oral sex can be very good for a marriage." — ABC (75)

Rabbi Boteach is quoted on the dust jacket of his book, *Judaism for Everyone,* saying, "Sex is the holiest human experience, the highest form of knowledge."

In *Judaism for Everyone,* Rabbi Boteach says that Judaism views Christianity as the "Ultimate Heresy" and says he finds tolerance "repugnant."

"From the outset Judaism aimed to destroy the idols and false Gods that ancient man was wont to worship. Therefore, no visual images can ever be employed in prayer and

religious devotions." — Rabbi Boteach (16)

The Bamayan Buddhas in Afghanistan were destroyed in February 2001, allegedly by the Taliban. It is alleged this statuary was destroyed because Muslims do not like idols. There is room to doubt the allegation, however: Egypt has been occupied by Muslims for more than a thousand years, yet the extensive heathen statuary of ancient Egypt has never been attacked by an Egyptian government.

Emperor Leo III of the Byzantine ruled from 717 to 741. Following the second Mosaic Commandment forbidding "graven images," Leo instituted a campaign that destroyed much of the arts of that day in Easter Europe.

Crucifix by Giotto di Bondone's 1292 in Florence. (38)

Rabbi Boteach says that the religious images of Christianity are in violation of fundamental tenets of Judaism. In particular, the rabbi names the crucifix as objectionable. This causes some concern about the safety of Christian artifacts in the upcoming Jewish Millennium. "From the outset Judaism aimed to destroy the idols …" — Rabbi Boteach (16)

"Therefore, **no visual images** …"

"… can ever be employed …"

"… in prayer and religious devotions." — Rabbi Boteach (16)

MISHNAH. *He who engages in idol-worship [is executed]. It is all one whether he serve it, sacrifice, offer incense, make libations, prostrate himself, accept it as a god, or say to it, 'thou art my God' …* — Babylonian Talmud, Tractate Sanhedrin 60b

Dennis Prager wrote of Rabbi Boteach's book, *Judaism for Everyone*:

"A major achievement. Few books on Judaism convey its essence as clearly, as interestingly, as humanly as *Judaism for Everyone*." — Dennis Prager

According to Dennis Prager's web page, "Dennis Prager has engaged in interfaith dialogue with Catholics at the Vatican, Muslims in the Persian Gulf Hindus in India, and Protestants at Christian seminaries throughout America. For ten years, he conducted a weekly interfaith dialogue on radio, with representatives of virtually every religion in the world. New York's Jewish Week described Dennis Prager as 'one of the three most interesting minds in American Jewish Life.'" (53)

Rabbi Daniel Lapin is author of *America's Real War*. He presents himself as a friend of the Christian right, and is a favorite speaker of organizations such as Concerned Women for America.

"As an Orthodox rabbi, I will make a compelling case for America as a Christian nation and the need for our nation to be based on Judeo-Christian ethic in order to survive." — Rabbi Daniel Lapin

In his book, Rabbi Lapin promotes the Noahide Laws, but fails to tell his Christian readership that the Noahide system requires Christians to be put to death for practicing Christianity.

The Stumbling Block

Rabbi Lapin also mentions the Jewish prohibition against putting a "stumbling block before the blind" — that is, deriving benefit from information deliberately withheld from another. "Thus we see that part of the Jewish contribution to the world has always included 'filling in the blanks.'" — Rabbi Lapin(29)

Selling the world on Noahide Laws and not mentioning the penalty clause — that sounds kind of like a stumbling block, doesn't it?

Don't you wish Rabbi Lapin would "fill in the blanks"?

You can help in the battle for Truth, Justice, and the American Way! Fight the forces of censorship and suppression of the Talmud, and bring about understanding between

peoples of different faiths.

Download this site to your desktop computer. Make CDs and distribute them to friends, neighbors, ministers, and community leaders. Email your favorite essay to your email list. Post your favorite essay to discussion forums. Print your favorite essays and give them to those not on the Internet. Flyers advertising Come-and-Hear.com can be distributed throughout your community.

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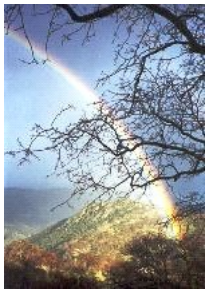


Research Windfall.
The recurring Congressional resolutions honoring Rabbi Schneerson and recognizing the Noahide laws as the basis of our great Nation have been gathered. This collection is a must if you would like to discuss it with your neighbors and be a part of the process. (1)

Max Dimont, author of several books popularizing Jewish history and culture writes in *The Indestructible Jews*, that:

"Jewish history consists of a unique series of events — accidental or purposive — which have had the practical effect of preserving the Jews … to fulfill their avowed mission of ushering in a brotherhood of man.

"Whether this mission was initiated by God or retroactively attributed to God by the Jews themselves in no way alters our thesis of a Jewish manifest destiny." (47)

Dimont also quotes Prime Minister Ben Gurion:

"My concept of the messianic idea is not a metaphysical but a social-cultural one … I believe in our moral and intellectual superiority, in our capacity to serve as a model for the redemption of the human race … The glory of the Divine Presence is within us, in our

hearts, and not outside us." (47)

Rabbi Noson Gurary is a Chabad Lubavitch rabbi, Director of Chabad of Buffalo, New York, and founder of the National Institute for Judaic Law. The Institute is intended to bring Talmudic law to the attention of US judges and law students. According to Jewish Week:

"'It will be an eye opener for judges, scholars and law students,' he told The Jewish Week. 'Before you know where you're going, you have to know where you came from. And Jewish law is the basis of our legal system in America.' Gurary said that the idea for the institute came in an exchange of letters in which Supreme Court Justice Antonin Scalia, one of the most conservative Justices, expressed his 'fascination with Jewish law.' 'And as a teacher of Judaic studies, I began to see the excitement of students who were being exposed to Jewish law for the first time, who now had a better understanding of where Western law come from,' Gurary said.

"Gurary, who teaches at the University of Buffalo law school, said his target audience includes judges around the country and law students, not politicians and lawmakers." (45)

http://antimatrix.org/Convert/Books/Talmud/editor/index.html#howdy

http://antimatrix.org/Convert/Books/Talmud/editor/index.html#starting

http://antimatrix.org/Convert/Books/Talmud/editor/index.html#censoring

http://antimatrix.org/Convert/Books/Talmud/editor/index.html#death

http://antimatrix.org/Convert/Books/Talmud/editor/index.html#blood

http://antimatrix.org/Convert/Books/Talmud/editor/index.html#america

For Jews, the belief that God can be human
is the ultimate heresy.

— Rabbi Shmuley Boteach, on Christianity (7)

Minuth — Heresy, the belief in more than one Power,
especially Judeo-Christianity.

— Soncino Talmud Glossary

Unbeknownst to most Americans, the US Congress has been gradually changing the fundamentals of American law. The movement for change started as early as 1975, when Congress passed a resolution honoring the birthday of a prominent rabbi, Rabbi Menachem Mendel Schneerson, ("the Rebbe") of the Chabad Lubavitch sect (sometimes this sect is called "ultra-Orthodox"). The movement ratcheted forward in 1991, when Congress coupled Rabbi Schneerson's happy birthday message with a declaration that the United States of America was founded on the seven Noahide Laws. (1)

The Noahide Laws promise deadly consequences for Christians. We shall understand why a little later.

What are the seven Noahide Laws? In brief: LORD God told the Jews they must obey 613 commandments (72) in order to have everlasting life (i.e., "a portion in the-world-to-come"), but decreed that the rest of mankind must obey only seven commandments. Those seven commandments are the Noahide Laws. Furthermore, LORD God tasked the Jews to enforce the seven Noahide Commandments, and to enforce them with liberal use of the death penalty.

While we read of LORD God writing the Ten Commandments on stone tablets with his finger and giving them to Moses (Exodus 31:18, 34:28), there is no parallel Biblical statement of LORD God writing the Noahide Laws on stone tablets and giving them to

anybody. Jews believe that the Noahide Laws were either passed down orally (see More Critical Words of Talmud Study, Oral Law), or derived by rabbis (see Israel's "One Indigenous Science" [50]). The authority of the Noahide Laws is not questioned, however. (37)

Here is an excerpt from the 1991 Congressional declaration concerning the Noahide Laws:

> Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;
>
> Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;
>
> …
>
> Whereas the Lubavitch movement has fostered and promoted these ethical values and principles throughout the world;
>
> Whereas Rabbi Menachem Mendel Schneerson, leader of the Lubavitch movement, is universally respected and revered and his eighty-ninth birthday falls on March 26, 1991;
>
> Whereas in tribute to this great spiritual leader, `the rebbe', this, his ninetieth year will be seen as one of `education and giving', the year in which we turn to education and charity to return the world to the moral and ethical values contained in the Seven Noahide Laws; and
>
> Whereas this will be reflected in an international scroll of honor signed by the President of the United States and other heads of state: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That March 26, 1991, the start of the ninetieth year of Rabbi Menachem Schneerson, leader of the worldwide Lubavitch movement, is designated as `Education Day, U.S.A.'. The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

— US Congress, HR 104 Public Law 102-14 (1)

Despite this Congressional declaration, many Americans are still not aware that their country was founded on Talmudic laws. (70) It is still widely believed that America was founded on the principles contained in the Declaration of Independence, the Bill of Rights, the Constitution, and Anglo-Saxon law generally. Some of the Founding Fathers even thought they had been influenced by the writings of John Locke, a Scot. Help clear up this misunderstanding. A copy of that 1991 resolution, Joint House Resolution 104 Public Law 102-14, and prior Congressional Schneerson birthday resolutions are

available for easy download and study. (1)

Congressional Gold Medal (brass replica) awarded posthumously to Rabbi Schneerson in August 1994. The legend on the obverse reads "Benevolence Ethics Leadership Scholarship" in English, and "To improve the home" in Hebrew.

To see how one of Judaism's most prominent and charming spokesmen is currently promoting the Noahide Laws, study the May 8, 2001 speech of the Very Reverend the Chief Rabbi of the United Hebrew Congregations of the British Commonwealth, Professor Jonathan Sacks. The speech is entitled *Jewish Identity — The Concept of a Chosen People*. (42)

A Description of the Noahide Laws

The Noahide Laws are defined in the Talmud, largely in Chapter VII of Tractate Sanhedrin, particularly: 56a, 56b, and 57a.

(*Note: When excerpting quotations from the Talmud, we sometimes omit non-germane text and footnotes. An omission of text is indicated by an ellipsis (...). To see the full text and footnotes, follow the hot link at the end of the excerpt. It is our pleasure to make available on line a number of Talmud tractates, so that excerpts used in these Come and Hear™ articles and Elizabeth's Dilling's ../dilling/index.html*The Jewish Religion: Its Influence Today *can be seen in full context. We indicate unprintable Hebrew characters, words, and phrases with the symbol* [H].)

GEMARA. … Our Rabbis taught: seven precepts were the sons of Noah

> commanded: social laws; to refrain from blasphemy, idolatry; adultery; bloodshed; robbery; and eating flesh cut from a living animal …

— Babylonian Talmud, Tractate Sanhedrin 56a
Soncino 1961 Edition, pages 381-382

A contemporary promoter of the Noahide Laws, Rabbi Shmuley Boteach, is a Hasidic Jew, a Kabbalist, (43) and a disciple of the late Rabbi Schneerson. (58) Rabbi Boteach expresses the Noahide Laws in this language:

> The Jews have the 613 commandments of the Torah to observe. Non-Jews have the Noahide commandments, included within which are prohibitions against idolatry, theft, murder, adultery and incest, cruelty to animals, blasphemy and the responsibility to establish and maintain courts of justice in a just society.

— Rabbi Boteach (9)

Jewish Law Enforced on Non-Jews

In the following Talmud excerpt, we see that Jews have Divine authority to enforce the Noahide Laws on non-Jews.

> ***GEMARA***. … If a heathen [son of Noah] blasphemed, employing substitutes of the ineffable Name, he is in the opinion of the Sages punishable by death. Why so? — Because it is written, *as well the stranger, as he that is born in the land [when he blasphemeth the name of the Lord, shall be put to death]*.

— Babylonian Talmud, Tractate Sanhedrin 56a
Soncino 1961 Edition, page 381

One Witness — Death for Gentile

Rabbi Yitzchok Adlerstein is the director of Project Next Step of the Simon Wiesenthal Center in Los Angeles and a professor of Jewish Law and Ethics at Loyola Law School. Rabbi Adlerstein presents the basic principle of equal protection under Jewish law.

> For a Jew to be convicted by a Jewish court, two eyewitnesses must have seen the perpetrator about to commit the crime and warned him of the potential penalty. The murderer must verbally answer that he chooses to proceed anyway. (For a non-Jew, only one witness is required and no verbal warning.)

— Rabbi Adlerstein, as told to Naomi Pfefferman (57)

So then, Jewish law is not based on "Equal Justice for All." Different standards are used to judge Jews and non-Jews. To convict a Gentile, all that is needed is one accuser. See US v. Talmud Law for further discussion. (66) Thus, it is very easy to convict a Gentile, but much more difficult to convict a Jew.

Now the Talmud Sages tell us that a single judge decides a Gentile's fate. There is no

provision for a jury in Talmud law.

> ***GEMARA***. … R. Jacob b. Aha found it written in the scholars' Book of Aggada: A heathen is executed on the ruling of one judge, on the testimony of one witness, without a formal warning, on the evidence of a man, but not of a woman, even if he [the witness] be a relation. On the authority of R. Ishmael it was said: [He is executed] even for the murder of an embryo. Whence do we know all this? — Rab Judah answered: The Bible saith, And surely your blood of your lives will I require; this shows that even one judge [may try a heathen].

— Babylonian Talmud, Tractate Sanhedrin 57b
Soncino 1961 Edition, page 390

Gentiles Executed for Violating Noahide Laws

Here the rabbis argue and decide that heathens are put to death for idolatry, and any other violation of the Seven Laws, as well:

> ***GEMARA.*** … With respect to idolatry, such acts for which a Jewish court decrees sentence of death [on Jewish delinquents] are forbidden to the heathen. This implies that they are merely forbidden, but their violation is not punished by death! - R. Nahman b. Isaac answered: Their prohibition is their death sentence. (1)
>
> R. Huna, Rab Judah, and all the disciples of Rab maintained: A heathen is executed for the violation of the seven Noachian laws; the Divine Law having revealed this of one [murder], it applies to all.

— Babylonian Talmud, Tractate Sanhedrin 57a
Soncino 1961 Edition, pages 387-388

The translator, Rabbi Dr. H. Freedman, amplifies the text in a footnote:

> 666. I.e., in speaking of heathens, when the Tanna teaches that they are forbidden to do something, he *ipso facto* teaches that it is punishable by death; for only in speaking of Jews is it necessary to distinguish between prohibition and punishment.

— Rabbi Dr. H. Freedman

Death Sentence Endorsed Today

It would be a mistake to believe that contemporary promoters of the Noahide Laws have abandoned the Talmud doctrine that idolaters (i.e., Christians) be put to death for practicing their religion. The *Noah's Covenant* web site calls for the banning of Christmas and other Christian holidays, and endorses the call for the death sentence for Christians. *Noah's Covenant* quotes Rabbi Schneerson from Volume VIII of *Likkutei Sichos*, an anthology of the Schneerson's works. (71) Rabbi Schneerson in turn quotes Maimonides

(the Rambam).

> … according to the known Jewish ruling that Christians are idol worshippers.

— Maimonides, quoted by Rabbi Schneerson (63)

> A gentile … is liable for the death penalty … if he has invented a religious holiday for himself … The general principle is we do not allow them to make new religious rituals and to make 'mitzvahs' for themselves by their own devices. Rather they may either become a Ger Tzeddek and accept all the Mitvahs; or [t]he (the Noahide) should stand fast in his Torah (the seven Noahide Laws) without adding or diminishing … and if he does make some new 'mitzvah,' we lash him, punish him, and inform him that he is obligated with the death penalty for this …

— Maimonides (the Rambam) (64)

Gentiles vs. the Beasts of the Field

In Tractate Sanhedrin 57b (cited above), we learned that a "heathen" is executed on the ruling of *one* judge. Let's compare that rule with the treatment of Jews and oxen accused of capital crimes. (Footnotes, except for footnote 7, have been omitted from this excerpt. To read the footnotes and the full context of the tractate, follow the hot link on the cite.)

> ***MISHNAH***. … CAPITAL CASES ARE ADJUDICATED BY TWENTY-THREE. THE PERSON OR BEAST CHARGED WITH UNNATURAL INTERCOURSE, BY TWENTY-THREE, AS IT IS WRITTEN, THOU SHALT KILL THE WOMAN AND THE BEAST, AND ALSO, AND YE SHALL SLAY THE BEAST.
>
> THE OX TO BE STONED (7) IS TRIED BY TWENTY-THREE, AS IT IS WRITTEN, THE OX SHALL BE STONED AND ITS OWNER SHALL BE PUT TO DEATH (8) — AS THE DEATH OF THE OWNER, SO THAT OF THE OX, CAN BE DECIDED ONLY BY TWENTY-THREE.
>
> THE DEATH SENTENCE ON THE WOLF OR THE LION OR THE BEAR OR THE LEOPARD OR THE HYENA OR THE SERPENT IS TO BE PASSED BY TWENTY-THREE. (9) R. ELIEZER SAYS: WHOEVER IS FIRST TO KILL THEM [WITHOUT TRIAL], ACQUIRES MERIT, R. AKIBA, HOWEVER, HOLDS THAT THEIR DEATH IS TO BE DECIDED BY TWENTY-THREE.

— Babylonian Talmud, Tractate Sanhedrin 2a
Soncino 1961 Edition, page 2

Rabbinical scholar and translator, Jacob Shachter, amplifies the text with these footnotes.

> 667. If he gored a person. Ex. XXI, 28.
>
> 668. Ex. XXI, 29.

669. Which has killed a human being.

— Jacob Shachter

A further perspective in traditional Jewish laws and attitudes concerning Gentiles is contained in What About Gentiles? (67) See also US v. Talmud Law. (66)

Noahides Killed by Decapitation

In this passage, we see that heathens (or "sons of Noah") must be killed by decapitation.

> ***GEMARA***. … Our Rabbis taught: [*Any man that curseth his God, shall bear his sin.* (3) It would have been sufficient to say], 'A man, etc.:' What is taught by the expression *any man*? (4) The inclusion of heathens, to whom blasphemy is prohibited just as to Israelites, and they are executed by decapitation; for every death penalty decreed for the sons of Noah is only by decapitation.(5)

— Babylonian Talmud, Tractate Sanhedrin 56a
Soncino 1961 Edition, page

The translator, Rabbi Dr. H. Freedman, explains in a footnote that the expression "sons of Noah" means non-Israelites.

670. Leviticus XXIV, 15

671. Lit., *'A man, a man*', Heb. *ish ish,* [H] [H]

672. The only place where death is explicitly decreed for non-Israelites is in Gen. IX, 6: *Whoso sheddeth man's blood, by man shall his blood be shed.* It is a general law, applicable to all, having been given in the pre-Abrahamic era; his blood shall be shed must refer to the sword, the only death whereby blood is shed.

— Rabbi Dr. Freedman

The Sages consider decapitation to be the most hideous way to die because it so disfigures the corpse. In contrast, Jews who commit idolatry are stoned. (23) To see footnotes, please follow link at the bottom of the excerpt.

> ***MISHNAH***. EXECUTION BY THE SWORD WAS PERFORMED THUS: THE CONDEMNED MAN WAS DECAPITATED BY THE SWORD, AS IS DONE BY THE CIVIL AUTHORITIES. R. JUDAH SAID: THIS IS A HIDEOUS DISFIGUREMENT; BUT HIS HEAD WAS LAID ON A BLOCK AND SEVERED WITH AN AXE. THEY REPLIED, NO DEATH IS MORE DISFIGURING THAN THIS.

— Babylonian Talmud, Tractate Sanhedrin 52b
Soncino 1961 Edition, page 380

Axe or sword, the end result is the same.

"Grunts" Push for Decaptitation

If it seems fantastic that decapitations might be carried out in the US, the reader's attention is called to the July 26, 2003 edition of Defense Watch ("The Voice of the Grunt"). In an article entitled "Anti-Terror Weapon: Off With Their Heads," Robert G. Williscroft argues that the US military decapitate "terrorists."

> We should have beheaded Saddam's monster sons, and placed their pigskin-draped heads atop long poles in the center of Baghdad. Then, one by one, as we capture other high-ranking members of the old regime, their pigskin-draped heads should join the rotting heads of the Hussein brothers.

— Robert G. Williscroft (73)

Of course, all of the "terrorists" so far are Gentiles. And once decaptition is used by American officials on Iraqi Gentiles, the precedent is established. Decaptition becomes an American practice, and may be used other Gentiles as well.

Defense Watch ("The Voice of the Grunt") is published by Soldiers For The Truth (SFTT), which claims to be "a grass-roots educational organization started by a small group of concerned veterans and citizens to inform the public, the Congress, and the media on the decline in readiness of our armed forces … SFTT is headed by retired Army Colonel David H. Hackworth." (74)

Jesus Led Israel to Apostasy

Should Christians be particularly concerned about all this? As we learned in Jesus' Membrum in the Talmud, (34) and Elizabeth Dilling's *The Jewish Religion: Its Influence Today*, Chapter III, Jewish teaching holds that Jesus of Nazareth ("Balaam," "Ben Stada," etc.) was a false god. He was the bastard son of a woman who played the harlot with carpenters, He worshipped a brick, performed magic with his sex organ, had sexual intercourse with his donkey, and attempted to seduce women. He was a sorcerer who led Israel to apostasy.

> ***GEMARA***. … On the eve of the Passover Yeshu (6) was hanged. For forty days before the execution took place, a herald went forth and cried, 'He is going forth to be stoned because he has practised sorcery and enticed Israel to apostasy. Any one who can say anything in his favour, let him come forward and plead on his behalf.' But since nothing was brought forward in his favour he was hanged on the eve of the Passover!

— Babylonian Talmud, Tractate Sanhedrin 43a
Soncino 1961 Edition, page 281

The translator, Rabbi Dr. H. Freedman amplifies the text in a footnote, citing the Munich codex of the Talmud (the identity of Jesus is clarified by calling him "the Nazarean"):

> 673. [Ms M. adds 'the Nazarean'.]

— Rabbi Dr. Freedman

Certainly, Jewish views of Jesus and His mother are allowable under the Bill of Rights. Christians have their opinions about other religions, too. However, the present-day Jewish view of Christianity has consequences in a way that the present-day Christian view of Judaism does not. Under Judaism, what happens to those who worship a false god?

> ***MISHNAH.*** HE WHO ENGAGES IN IDOL-WORSHIP [IS EXECUTED]. IT IS ALL ONE WHETHER HE SERVE IT, SACRIFICE, OFFER INCENSE, MAKE LIBATIONS, PROSTRATE HIMSELF, ACCEPT IT AS A GOD, OR SAY TO IT, 'THOU ART MY GOD' …

— Babylonian Talmud, Tractate Sanhedrin 60b
Soncino 1961 Edition, page 410

Min, Minim, Minuth

In the Talmud, Christians are specifically described as "Judeo-Christians" or "min" (plural "minim"). The following definition of "*minuth*" in the Glossary for the Soncino Talmud makes the Talmudic attitude to Christianity clear:

> **Minuth** — Heresy, the belief in more than one Power, especially Judeo-Christianity.

— Soncino Talmud Glossary

Idolater — Word Covers Many People

Some may assume that "idolatry" refers to the worship of idols. While that definition is correct, the word takes on metaphorical application, and may refer to anyone whose theology differs from that of the Pharisees. For example, Jews who reject the Talmud and wish to base their law and practices on the Old Testament only, have in the past, been labeled "idolaters" by the Pharisaic (Talmud) Jews. See the information on Sadducees and Karaites in Critical Words of Talmud Study.

Personal Virtue vs. Enforcement

Before taking up the next point, let us consider some aspects of religion. There is one aspect of religion that intends the betterment of the individual through prayer, meditation, right action, faith, hope, charity, etc. Let us call this aspect of religion the "religion of personal virtue."

There is, however, a second aspect of religion. This aspect requires one person to use force against his fellow, either individually, or more often, through the power of the state. Let us call this aspect of religion the "religion of enforcement."

Personal Virtue Religion

None of the teachings of Jesus require men to use force against one another; instead, Jesus directed the individual to acquire personal virtue. Among many other things, he said:

> 674. Blessed are the poor in spirit: for theirs is the kingdom of heaven.
>
> 675. Blessed are they that mourn: for they shall be comforted.
>
> 676. Blessed are the meek: for they shall inherit the earth.
>
> 677. Blessed are they which do hunger and thirst after righteousness: for they shall be filled.
>
> 678. Blessed are the merciful: for they shall obtain mercy.
>
> 679. Blessed are the pure in heart: for they shall see God.
>
> 680. Blessed are the peacemakers: for they shall be called the children of God.
>
> 681. Blessed are they which are persecuted for righteousness' sake: for theirs is the kingdom of heaven.
>
> 682. Blessed are ye, when men shall revile you, and persecute you, and shall say all manner of evil against you falsely, for my sake.

— Matthew 5:3-11

This writer knows of not one case of a government attempting to enforce any of the Beatitudes. Nor do we find Jesus of Nazareth directing His followers to convert others at the point of a sword, or to kill others because they do not follow His way. (61)

Enforcement Religion

In contrast, many of the commands in the Old Testament contain enforcement clauses. For example, this commandment —

> 683. Thou shalt not suffer a witch to live.

— Exodus 22:18

That commandment requires the force of the state to carry out the death sentence on a "witch." The following passage from Deuteronomy 13 *requires* Old Testament believers to kill unapproved prophets, miracle workers, and anyone who preaches another religion.

> 684. If there arise among you a prophet, or a dreamer of dreams, and giveth thee a sign or a wonder,
>
> 685. And the sign or the wonder come to pass, whereof he spake unto thee,

saying, Let us go after other gods, which thou hast not known, and let us serve them;

686. Thou shalt not hearken unto the words of that prophet, or that dreamer of dreams: for the LORD your God proveth you, to know whether ye love the LORD your God with all your heart and with all your soul.

687. Ye shall walk after the LORD your God, and fear him, and keep his commandments, and obey his voice, and ye shall serve him, and cleave unto him.

688. And that prophet, or that dreamer of dreams, shall be put to death; because he hath spoken to turn you away from the LORD your God, which brought you out of the land of Egypt, and redeemed you out of the house of bondage, to thrust thee out of the way which the LORD thy God commanded thee to walk in. So shalt thou put the evil away from the midst of thee.

689. If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers;

690. Namely, of the gods of the people which are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth;

691. Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him:

692. But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people.

693. And thou shalt stone him with stones, that he die; because he hath sought to thrust thee away from the LORD thy God, which brought thee out of the land of Egypt, from the house of bondage.

694. And all Israel shall hear, and fear, and shall do no more any such wickedness as this is among you.

— Deuteronomy 13:1-11 (KJV)

There are many similar injunctions in the Old Testament. In the history of Christendom, we can see when the Old Testament doctrines dominated the minds of Christian leadership. When Christendom neglected Old Testament enforcement doctrines, religious freedom blossomed. Each man looked to the perfection of his own soul, and left his neighbor's soul to the care of his neighbor.

But now, with the rise of Judaism in the halls of power, we are looking at a return to Old Testament state-religion. Particularly, given the strain of Orthodox Judaism in

ascendance, we are looking toward a re-unification of church and state, with priestly enforcement of Old Testament and Talmudic commandments.

America Is Rapidly Becoming Talmudized

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (44) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html
Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and
http://www.come-and-hear.com/editor/cp-jw-01-08-03

The Planners

We have already met Rabbi Shmuley Boteach (above), a disciple of the late Rabbi Schneerson and promoter of the Noahide Laws. In *Judaism for Everyone* published in 2002, Rabbi Boteach begins by stating:

> This book is written in the belief that the next thousand years will be a Jewish millennium. For the first time in its long and trying history, the world's oldest monotheistic faith is going mainstream.

— Rabbi Boteach (11)

Rabbi Boteach explains in his own words why Jews should be in the position of control during this millennium. In the following, be aware that the word "Torah" is used to denote "Talmud" (see Critical Words of Talmud Study). (49)

> The world cannot be run at human whim. It needs an ultimate plan and a regulator who can determine whether it is progressing or regressing. This is the role of the Torah, the divine law, which puts each contribution into perspective. It organizes all human actions so that they coalesce into one supremely redeeming blueprint …
>
> … There had to be one people whose supreme purpose was to reveal this master plan to the world. History required a nation whose entire purpose was to teach the world Godly ethics and the contribution the nation could make toward the perfection of the earth …
>
> … The task of the Jews is to be a light unto the nations. Light is an apt metaphor

> because it shows the way and provides guidance. It allows us to clean the room and arrange the furniture so that the home becomes fit for human habitation. God, too, desires to reside among man. But we must first make the earth fit to be a royal residence.

— Rabbi Boteach (12)

Rabbi Boteach goes on to remind us of the two-track system: Jews are governed by 613 commandments, Noahides by seven. (12) Curiously, Rabbi Boteach does not mention the landmark 1991 Congressional declaration concerning the Noahide Laws on the occasion of his own mentor's birthday (Rabbi "The Rebbe" Schneerson). Nor does he mention that Noahides found in violation of the Noahide Laws are sentenced to death under a one-witness, one-judge, fast-track justice system. That is quite an oversight!

We are now at the beginning of the Jewish Millennium. What will life bring in a decade or two? Possibly, things will be quite all right, in light of Rabbi Boteach's following statement.

Rabbi Boteach: Judaism Teaches Tolerance

On page 393 of *Judaism for Everyone*, Rabbi Boteach praises tolerance.

> Tolerance is an important lesson that Judaism can teach all world religions. Despite Judaism's being the world's oldest monotheistic faith, the Jews have never insisted that their beliefs are superior to others … Coercion is as foreign to Judaism as Christmas.

— Rabbi Boteach (18)

Rabbi Boteach: Tolerance Is "Repugnant"

Now let us turn to page 280 of *Judaism for Everyone* and read as Rabbi Boteach condemns tolerance.

> In today's society people pride themselves on their *tolerance*. They believe they have progressed beyond the prejudices of the past. They have learned to allow those opinions that do not necessarily accord with their own to be voiced. But is this progress?
>
> I find this definition of tolerance repugnant. Rather than find enrichment or redemption in another's differences, one *tolerates*, or *stomachs*, their differences. One swallows hard, one suffers — tolerates — another's right to be different. This is hardly recognizing the virtue than [sic] can be extracted from another party's distinctiveness. This is a philosophy of segregation rather than multicultural enrichment. Tolerating another person implies that though one allows his opinions or differences today, if tomorrow he were to disappear from the face of the earth, one would hardly notice his absence. There is nothing to be learned from his conflicting opinion or uniqueness, and his absence in no way compromises or

> impairs one's own state of completion. Promoting or defending the modern definition of tolerance is really a license to indifference. It is not a call to harmony or multicultural enrichment.

— Rabbi Boteach (8)

This may be a little worrisome. It seems Rabbi Boteach does not know his own mind. Or does he?

Christians Make Jews Uncomfortable

Toward the conclusion of *Judaism for Everyone*, Rabbi Boteach tells us "why Jews are uncomfortable with Christianity." (13) Christians make Jews "uncomfortable" in ten ways summarized in the Appendix: Why Christianity Makes Jews Uncomfortable. Since Jews will have the power of life and death over Christians in the upcoming Jewish millennium, Jewish uncomfortable-ness matters.

Christianity Is the Ultimate Heresy

Now let us turn to page 401 of *Judaism for Everyone* and read as Rabbi Boteach says that Jews condemn Christianity as the Ultimate Heresy.

> Certain beliefs have been deeply engrained into the Jewish psyche for so many thousands of years, that even the most secular and disinterested of Jews accept them as axiomatic. Foremost among these is the simple belief that no man could ever be God. … Man is free, but his liberty cannot be taken for license.

— Rabbi Boteach (6)

> The idea that a man could be God is anathema to everything that Judaism stands for and everything that Judaism came into this world to accomplish.

— Rabbi Boteach (57)

> For Jews the Belief That God Can Be Human Is the Ultimate Heresy … The belief that God could have been born of a human womb, or could once have walked the earth, is so foreign to Judaism that it is rejected even by the most assimilated Jews. … Christianity, however, sees in Jesus the incarnation and embodiment of the Second Person of the Trinity, the Son.

— Rabbi Boteach (15)

What answer does Judaism have for the Bible literalist, who can point to the many human manifestations of God recorded in the Bible? (31)

> The ancient Rabbis were at pains to emphasize that the various anthropomorphic descriptions of the Creator in the Bible — the face of God, His outstretched hand, His back — were nothing more than allegorical language designed to make the Creator accessible to the human mind.

— Rabbi Boteach (20)

On other issues, however, Judaism accepts the Bible literally:

> In Egypt, God manifested strict justice toward the wicked Egyptians, destroying their lives and property through ten plagues. At the splitting of the Red Sea, He showed Himself to be a warrior who effortlessly decimated Pharaoh's legions, and simultaneously as a caring Father who rescued the forlorn Israelites who were plunged in the Red Sea. At Sinai He was a lawgiver …

— Rabbi Boteach (21)

Can We Know God's Mind?

Rabbi Boteach tells us this about Judaism:

> Judaism accepts the idea that there can be no positive description of God. We cannot say what God *is*, only what He *is not*. His being completely transcends human apprehension.

— Rabbi Boteach (21)

If this is true, and God transcends human apprehension, how can Judaism be so certain He would never want to take human form, or could not do so if He wanted to? Christians may be puzzled by this.

Is God Man, or Is Man God?

The concept that God cannot take on *man* characteristics is an interesting one — Rabbis believe man can take on *God* characteristics. That belief is illustrated in the following passages. In the first passage, we learn that Raba says it is possible for man to create, and we learn that Rabbah created a man. We also learn two other rabbis created a calf and ate it.

> ***GEMARA***. … Raba said: If the righteous desired it, they could [by living a life of absolute purity] be creators, for it is written, *But your iniquities have distinguished between etc.* (7) Rabbah created a man, (8) and sent him to R. Zera. R. Zera spoke to him, but received no answer. Thereupon he said unto him: 'Thou art a creature of the magicians. Return to thy dust.'
>
> R. Hanina and R. Oshaia spent every Sabbath eve in studying the 'Book of Creation', (9) by means of which they created a third-grown calf (10) and ate it.

— Babylonian Talmud, Tractate Sanhedrin 65b
Soncino 1961 Edition, page 446

Talmud translator Rabbi Dr. H. Freedman amplifies the text with footnotes.

> 695. Isa. LIX, 2.

696. Ibid. Raba understands *mabadilim* in the sense of 'draw a distinction'. But for their iniquities, their power would equal God's, and they could create a world.

697. By means of the *Sefer Yezirah*, Book of Creation. V. next note.

698. The Book of Creation, Heb. *Sefer Yezirah*, is the title of two esoteric books. The older, referred to here, was a thaumaturgical work popular in the Talmudic period. It was also known as *Hilkoth Yezirah* (Laws of Creation), and is so called in the same story quoted on [Sanhedrin] 67b. Rashi there states that the creation was performed by means of mystic combinations of the Divine Name, which does not come under the ban of witchcraft. Its basic idea is that the Creation was accomplished by means of the power inherent in those letters (Cf. Rab's saying: 'Bezalel knew how to combine the letters by which heaven and earth were created'. Ber. 55a. Cf. also Enoch LXI, 3 *et seq*.; Prayer of Manasseh: Ecc. R. III, 11 on the magic power of the letters of the Divine Name), and that this same power could be utilised in further creation. The work was ascribed to Abraham, which fact indicates an old tradition, and the possible antiquity of the book itself. It has affinities with Babylonian, Egyptian, and Hellenic mysticism and its origin has been placed in the second century B.C.E., when such a combination of influences might be expected. It is noteworthy that Raba's statement above, though not mentioning the Sefer Yezirah, insists on freedom from sin as a prerequisite of creation by man, v. J.E., XII, 602.

699. (I.e., a calf that has reached one third of its full growth; others interpret: (i) in its third year; (ii) third born, fat].

— Rabbi Dr. Freedman

Note Rabbi Dr. Freedman's mention of *Sefer Yezirah*, a translation of which is on line at Come and Hear™. (59) The reader may also be interested in Elizabeth Dilling's comments on the *Sefer Yezirah*. (60) This account of the rabbis creating a calf and eating it is repeated in Tractate Sanhedrin 67b.

In the following passage, someone called Jannai changes a woman into an ass and rides her. He is apparently embarrassed when someone else breaks his spell, the woman becomes human again, and he is seen "riding upon a woman in public."

> ***GEMARA***. … Jannai came to an inn. He said to them, 'Give me a drink of water,' and they offered him *shattitha*. Seeing the lips of the woman [who brought him this] moving, he [covertly] spilled a little thereof, which turned to snakes. Then he said, 'As I have drunk of yours, now do you come and drink of mine.' So he gave her to drink, and she was turned into an ass. He then rode upon her into the market. But her friend came and broke the charm [changing her back into a human being], and so he was seen riding upon a woman in public.

— Babylonian Talmud, Tractate Sanhedrin 67b
Soncino 1961 Edition, pages 460-461

Tripartite God Is Illogical, Unacceptable

Leaving aside the question of whether God could take human form if He wanted to, Judaism teaches that God cannot manifest himself in three aspects

> *Judaism Conceives of God as an Absolute Unity* … Christianity, however, maintains a divine Trinity of three Persons, the Father, the Son, and the Holy Spirit, which together form the *mysterium tremendum* (overwhelming mystery) of Christian beliefs … Christianity thus affirms a belief in a tripartite God, which to Judaism is illogical and unacceptable.

— Rabbi Boteach (7)

Bi-partite, Poly-partite God is Logical, Acceptable

While repudiating the idea that God can manifest in three aspects, Judaism sidesteps the "Ultimate Unity" to assert that God can easily manifest in numbers other than three. For example, God can assume Male and Female emanations. It's time to meet the Shechinah, the female emanation of God (some say Her name is pronounced "Shock 'N Awe"). Rabbi Boteach introduces Her in *Judaism for Everyone*:

> The idea of a woman reflecting a female component in the Godhead is a central idea of the Kabbalah. The woman is the Shekhinah, the Divine Presence, commanding increased respect. The *Zohar*, the key work of Jewish mysticism, in a famous passage, says:
>
> > It is incumbent on a man to be ever "male and female" [married] in order that his faith may be firm, and that the Shekhinah may never depart from him. What, then, will you say, of a man who goes on a journey and, being absent from his wife, is no longer "male and female"? His remedy is to pray to God before he starts his journey, while he is still "male and female," in order to draw to himself the presence of his Maker. When he has offered his prayer and thanksgiving and the Shekhinah rests on him, then he can depart, for through his union with the Shekhinah he has become "male and female" in the country as he was "male and female" in the town … When he does return home again, it is his duty to give his wife pleasure, because it was she who acquired for him his heavenly partner. (*Zohar*, Genesis, 49b-50a)

— Rabbi Boteach (14)

In his Foreword to the Soncino Talmud (1935), the Very Reverend the Chief Rabbi of the British Empire, the late Dr. Joseph H. Hertz, quotes the Talmud Sage Rab to the effect that God (male) and the Shechinah (female) can be feeling and doing different things simultaneously, as though they were separate entities:

> 'Since the Exile,' he declares, 'the Shechinah mourns, and God prays: Be it My will that in My dealings with My children My mercy overcome My justice.'

— Rabbi Dr. Hertz (51)

The Shechinah appears in the Talmud. She is mentioned seventy times in the 1952 General Index, and once again under an alternate spelling, "Shekinah."

> Shechinah, Ber. 191, Shab. 141, 152,
> 257, 298, 319. 411f, 415, 'Er.
> 444, Pes. 32, 279, Yom. 11,
> 95, 102, 121, 421, Suk. 15,
> 210, Meg. 132, 157, 175,
> MK. 48, 156, 192, Hag. 98,
> 100, Yeb. 304, 320, 412f,
> Sot. 11, 18f, 43f, 52, 63, 65,
> 68, 197 et passim, Kid. 150,
> 153, BK. 471, BB. 124f, 127,
> 233, San. 27f, 46, 83, 85, 121,
> 230, 245, 249f, 271, 304,
> 652, 659f, 664, 700, 702,
> 705f, 720, 733, 755f, Ab. 30f,
> Zeb. 489, 577, Tam. 8, 22,
> Nid. 87. See also Shekinah.
> — qualifications for reception
> of, Shab. 441, Pes. 599f.
> …
> Shekinah, AZ. 69. See also Shechinah.

— Soncino Talmud General Index
Soncino 1961 Edition, page 376, 377

To learn about the Shechinah in the Talmud, use the Come and Hear™ Search page.

Rabbi Boteach also describes other manifestations of the Godhead (En-Sof), including the ten *sefirot*, or mystic spheres, or colors, or emotions. (22)

> The relationship between God's essence, referred to by the Kabbalists as the En Sof (literally, "there is no end"), and the ten *sefirot* is analogous to clear water being placed into ten glasses, each of different color. Red would represent God's anger, blue His compassion, green His splendor, and so on. Viewed from the outside, the water will invariably appear red, blue, green, or yellow, depending on the color of glass into which it is placed. In reality, however, the water has not changed color at all and only appears this way to the outside observer.

— Rabbi Boteach (20)

So then, Rabbi Boteach tells us that some people are on the outside of God, and some are on the inside. He also identifies two other manifestations of the Ein-Sof: the Tetragrammaton (YHWH) and Elokim. YHWH is the attribute of Mercy, and Elokim the attribute of Justice.

Elizabeth Dilling, the Protestant Christian author of *The Jewish Religion: Its influence Today*, believes that Judaism is not monotheistic. For further information, see Chapter VI, *Judaism Not Monotheistic*, Chapter VII, *Judaism and Paganism*, and Chapter VIII, *Demonology of the Pharisees*. (35)

What is the truth, then? Can God manifest Himself as three, or more than a dozen? It is beyond the scope of Come and Hear™ to settle these issues. We mention them simply to help achieve Rabbi Sachs' goal: that we find out about each other's faiths (see What We're About (36)).

No Original Sin

In the following, be aware that the word "Torah" is often used to denote Talmud. See Critical Words of Talmud Study. (49) The following statements were excerpted from three contiguous pages — the ellipses (…) indicate omitted text, following a thread in Rabbi Boteach's thinking.

> *Jews Do Not Believe in Original Sin and the Fall of Man, a Cornerstone of Christian Faith*. … Judaism does not promote the idea that people are born either meritorious or sinful. Rather the individual is born innocent … The Torah does speak of Adam's sin. But it teaches that man can rise above it. Righteousness may be challenging, but it was for this treason that God gave humankind the Torah.

— Rabbi Boteach (17)

Original Sin is a critical point of departure between Christians and Jews. Many Christians believe Original Sin prevents man from attaining perfection, and that political power must be limited for fear of doing evil on a grand scale. Without the Original Sin doctrine, men have no inhibition about the concentration of political power.

Jews Focus on This World, Christians the Next

To understand the import of the following, be aware that the word "Torah" is most commonly used to denote the Talmud. See Critical Words of Talmud Study. (49)

> Christianity Is Oriented Toward the Next World, Judaism Toward This World. Christianity posits that the purpose of man is to achieve the salvation of his soul and to attain everlasting life in Paradise … Judaism is oriented toward this world and steadfastly promotes the idea that **man's purpose is to perfect the world** and bring godliness into an otherwise un-Godly planet.

— Rabbi Boteach, (10) (emphasis added)

So then, we understand that since Judaism introduces God into this un-Godly heathen world, Jews have a special mission. They must assume authority over all mankind, lest un-Godliness prevail. Jews remember what Jesus said:

> 700. My Kingdom is not of this world.

— Jesus of Nazareth, as quoted in John 18:36 (KJV)

But the Jews know their kingdom *is* of this world. Talmud Law assumes authority over all mankind, not just those who agree with it; Just as explorers in the New World lay claim to lands that are new to them, and lay claim to the native populations, the Jews lay claim to this world, and all its native populations.

We now understand Rabbi Boteach's interest in the distinction — those who believe in "this world" will rule over those who believe in the "next world."

Rabbi Jacob Neusner, writing in 1995, expresses the same thought in almost the same words.

> The Talmud is a public, political, anonymous, collective, social statement; its compilers intended to define the life of the public polity by forming the kingdom of God in the here and now …

— Rabbi Dr. Neusner (46)

A kingdom of God in the here and now, based on the Talmud.

Judaism Is the Universal Religion

In the Jewish Millennium, there is no need for a religion other than Judaism.

> Christianity is a supremely proselytizing faith. Since Christianity affirms that none shall come unto the Father except through the Son, it takes the view that there is only one road to truth, one path to salvation.
>
> Judaism, however, is a supremely universalist religion, teaching that there are several paths to the one, true God. A non-Jew does not enhance his existence by becoming Jewish, and indeed a righteous Gentile who leads a godly and moral life will inherit the same place in the world-to-come as a Jew.
>
> Nine hundred years ago, Maimonides wrote that non-Jews who live by the seven Noahide commandments would inherit the same place in heaven as a Jew.

— Rabbi Boteach (19)

But in reality, the "several" paths to Heaven are just one for each: Rabbinical Judaism for Jews, and rabbinical Noahidism for Gentiles. With a death penalty for people who stray from the path, it's a simple, workable system.

Judaism and Tolerance

Before we go on to meet our next guest, Rabbi Daniel Lapin, let us review some facets of Jewish law concerning the treatment of those who will not conform to the Jewish religion. We have already read Deuteronomy 13:1-11, wherein we learn that if our brother, our son, our daughter, or our wife strays from the path of Judaism, we must kill

them — without hesitation.

701. If there arise among you a prophet, or a dreamer of dreams, and giveth thee a sign or a wonder,

702. And the sign or the wonder come to pass, whereof he spake unto thee, saying, Let us go after other gods, which thou hast not known, and let us serve them;

703. Thou shalt not hearken unto the words of that prophet, or that dreamer of dreams: for the LORD your God proveth you, to know whether ye love the LORD your God with all your heart and with all your soul.

704. Ye shall walk after the LORD your God, and fear him, and keep his commandments, and obey his voice, and ye shall serve him, and cleave unto him.

705. And that prophet, or that dreamer of dreams, shall be put to death; because he hath spoken to turn you away from the LORD your God, which brought you out of the land of Egypt, and redeemed you out of the house of bondage, to thrust thee out of the way which the LORD thy God commanded thee to walk in. So shalt thou put the evil away from the midst of thee.

706. If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers;

707. Namely, of the gods of the people which are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth;

708. Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him:

709. But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people.

710. And thou shalt stone him with stones, that he die; because he hath sought to thrust thee away from the LORD thy God, which brought thee out of the land of Egypt, from the house of bondage.

711. And all Israel shall hear, and fear, and shall do no more any such wickedness as this is among you.

— Deuteronomy 13:1-11 (KJV)

It's different from what we're used to, yes. Among Christians, Protestant and Catholics sometimes marry and one party consents to the religion of the other. Even if one family

might regard the in-laws' religion as heresy, people try to get along without killing each other.

Building on the work of other researchers, we have collected some references showing Jewish tolerance for other religious faiths and cultures. See In His Own Image (32) and What About Gentiles? (67)

The second half of Deuteronomy 13 deals with the treatment of whole towns and tribes that fall into idolatry, and as we shall see in a moment, it is the subject of particular attention by the Talmud Scribes.

> 712. If thou shalt hear say in one of thy cities, which the LORD thy God hath given thee to dwell there, saying,
>
> 713. Certain men, the children of Belial, are gone out from among you, and have withdrawn the inhabitants of their city, saying, Let us go and serve other gods, which ye have not known;
>
> 714. Then shalt thou enquire, and make search, and ask diligently; and, behold, if it be truth, and the thing certain, that such abomination is wrought among you;
>
> 715. Thou shalt surely smite the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein, and the cattle thereof, with the edge of the sword.
>
> 716. And thou shalt gather all the spoil of it into the midst of the street thereof, and shalt burn with fire the city, and all the spoil thereof every whit, for the LORD thy God: and it shall be an heap for ever; it shall not be built again.
>
> 717. And there shall cleave nought of the cursed thing to thine hand: that the LORD may turn from the fierceness of his anger, and shew thee mercy, and have compassion upon thee, and multiply thee, as he hath sworn unto thy fathers;
>
> 718. When thou shalt hearken to the voice of the LORD thy God, to keep all his commandments which I command thee this day, to do that which is right in the eyes of the LORD thy God.

— Deuteronomy 13:11-18 (KJV)

The Talmud implements this Biblical passage as Judaic law in the Mishnah for Sanhedrin 111b, with some details and modifications. (33) The Jewish state must exterminate "false prophets" and entire tribes and cities who have fallen into idolatry. (For further discussion on this point, see Holy Atrocities and Judaism.) Sanhedrin 2a lays down some regulations. (*Ellipses indicate we have omitted text. To see the full text and the footnotes, follow the link at the end of the excerpt*.)

> ***MISHNAH***. … A TRIBE, A FALSE PROPHET AND A HIGH PRIEST CAN

> ONLY BE TRIED BY A COURT OF SEVENTY-ONE …[text omitted]… SMALL SANHEDRINS FOR THE TRIBES CAN BE INSTITUTED ONLY BY A COURT OF SEVENTY-ONE …[text omitted]… NO CITY CAN BE DECLARED CONDEMNED SAVE BY A DECREE OF A COURT OF SEVENTY-ONE. A FRONTIER TOWN CANNOT BE CONDEMNED NOR THREE CITIES AT A TIME, BUT ONLY ONE OR TWO.

— Babylonian Talmud, Tractate Sanhedrin 2a
Soncino 1961 Edition, pages 1-2

We wonder how the Simon Wiesenthal Center's Museum of Tolerance would address these matters. (24)

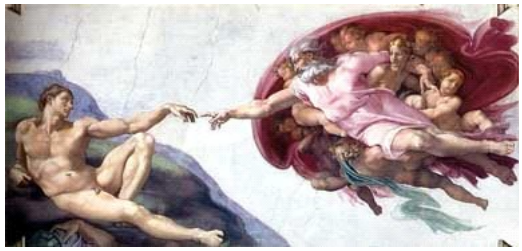
No Images or Icons, Ever

It seems that not only are Jews uncomfortable with Christianity, they are *very* uncomfortable with Christianity. Now Rabbi Boteach expands. He says from the beginning of their history, Jews have sought to destroy the religious artifacts of non-Jewish religions. Notice that he says Judaism forbids the use of visual images in any religion, ever.

> Images and icons — the image of the crucifix foremost among them — are absolutely central to Catholicism and figure prominently in Protestantism as well … From the outset Judaism aimed to destroy the idols and false Gods that ancient man was wont to worship. Therefore, no visual images can ever be employed in prayer and religious devotions.

— Rabbi Boteach (16)

One wonders what will happen to the great works of art produced by the West — the ceiling of the Sistine chapel, the Madonnas of the Italian masters, the religious statuary — during the Jewish millennium? Will Judaism destroy those works of art, those "idols"? Though Rabbi Boteach is silent on the issue, the implication is worrisome.



Creation of Man by Michelangelo di Lodovico Buonarroti

Simoni, 1508-12, Fresco, Cappella Sistina, Vatican.

We need to understand that Rabbi Boteach is well positioned and not at all a "loose cannon." *Judaism for Everyone* was published by Basic Books, and his *Kosher Sex* was published by Doubleday. The flyleaf of *Judaism for Everyone* indicates thirteen

published works by Rabbi Boteach. According to the dust jacket, "In 2000, he became the first Rabbi ever to win the highly prestigious *London Times* Preacher of the Year Award, garnering more points than anyone in the competition's history."

Rabbi Lapin Loves Christianity

Rabbi Daniel Lapin is a radio talk show host, lecturer, President of Toward Tradition, and the author of *America's Real War* (published in 1999). Rabbi Lapin says he is an ally of the Christian right, and he is a favorite speaker of organizations such as Concerned Women for America.

In *America's Real War*, Rabbi Lapin says there is a real war is between those who want a secular nation and those who stand for "a spiritual America." (25) Rabbi Lapin's book is clearly intended to be read by right-wing Christians. Here, Rabbi Lapin states that he is deeply puzzled by Jewish organizations that engage in anti-Christian bigotry.

> Although many of them were founded explicitly to fight bigotry, and for many years did just that, today the shrill rhetoric and hate-filled propaganda found in their direct mail is discriminatory and divisive … God's blueprint clearly included the emergence of Christianity. After all, Christianity has brought monotheism to more people than any other force during the past two millennia.

— Rabbi Lapin (page 12) (26)

> As an Orthodox rabbi, I will make a compelling case for America as a Christian nation and the need for our nation to be based on Judeo-Christian ethic in order to survive.

— Rabbi Lapin (page 14) (26)

Rabbi Lapin entitles Chapter Six of *America's Real War,* "The Curious Rise of Anti-Christianism." He informs his readers that the American Jewish Committee (AJC) and the Anti-defamation League (ADL) have attacked the Christian Right because the Christian right attacks homosexuality. He makes common cause:

"For over three thousand years, Jewish tradition and Jewish law have been unambiguous about homosexuality. It is a sin." This is not quite true — Judaism permits homosexuality provided the passive partner is under nine years of age. Consenting adults are given the death penalty. See Sex with Children by Talmud Rules

According to his own words, Rabbi Lapin spent "many years of study at the theological academy (or yeshiva) of Kfar Hassidim in Israel." (39) He comes from a family of rabbis. His two brothers are rabbis. His father was a rabbi, his uncles and cousins taught Talmud at the Gateshead Talmudic Academy in England; (28) he is a disciple of his great uncle Rabbi Eliyahu Lapian, whose works are in the Chabad Lubavitch library in Brooklyn, New York. (40) See the biography of Rabbi Eliyahu Lapian at the Union of Orthodox Jewish Congregations of America ("Orthodox Union") web site. (69)

In light of his background, Rabbi Lapin must know the Talmud is anti-Christian. The rise

of anti-Christianism could not be "curious" to him. See, for example, the Jewish attitudes and laws concerning Gentiles discussed in What About Gentiles? (67)

In Chapter Thirty-Two, "Sex Is Everyone's Business," Rabbi Lapin mentions the Noahide Laws:

> Known collectively as the Seven Laws of the Sons of Noah, these laws are indispensable for the survival of any human society. One of the seven establishes courts of law. Another rejects homosexuality as a valid lifestyle.

— Rabbi Lapin (27)

We have already seen the Soncino Talmud translation of the Noahide Laws, and there is no mention of homosexuality.

> ***GEMARA.*** … Our Rabbis taught: seven precepts were the sons of Noah commanded: social laws; to refrain from blasphemy, idolatry; adultery; bloodshed; robbery; and eating flesh cut from a living animal …

— Babylonian Talmud, Tractate Sanhedrin 56a
Soncino 1961 Edition, pages 381-382

We wonder which of these Rabbi Lapin is interpreting as a prohibition of homosexual lifestyle. Could he have arrived at the prohibition through exegesis? (See Israel's "One Indigenous Science".)

Like Rabbi Boteach, Rabbi Lapin does not mention the landmark 1991 Congressional declaration concerning the Noahide Laws, and he does not mention every Christian who practices his faith will suffer the death penalty.

If Rabbi Lapin sincerely wants Christianity to survive, we cannot help but notice:

719. Rabbi Lapin is a heretic to Judaism, and

720. Rabbi Lapin is overwhelmingly negligent: he promotes the Noahide laws when he should be warning Christian that the Noahide system will spell the end of Christianity.

A Stumbling Block

Rabbi Lapin mentions the Jewish prohibition against putting a stumbling block before the blind:

> … this law simply prohibits us from deriving economic benefit from information that we have deliberately withheld for another. In other words, do not "trip" up someone economically after you have made him "blind" — Feeling assured that your colleague is not concealing material information from you certainly makes it more likely that you would trade with him. Thus we see that part of the Jewish contribution to the world has always included "filling in the blanks."

— Rabbi Lapin(29)

We cannot explain why Rabbis Boteach and Lapin have omitted the vital information about the enforcement of the Noahide Laws while promoting them as a panacea to humankind. The enforcement clause of any set of laws is essential to their workability, and is always vitally interesting to anyone studying them. Failing to provide that vital data about enforcement the Noahide Laws may well qualify as putting "a stumbling block before the blind."

It may be that the rabbis are embarrassed about the Talmud prescribing decapitation for recalcitrant Noahides — decapitation is, after all, old fashioned. If, however, Jewish leadership has other plans for the punishment of Christians, it would be best to disclose them. We clearly prefer the principles of openness and full disclosure that Rabbi A. James Rudin, Senior Interreligious Advisor recommends to the Vatican. On the Vatican's decision to partially open its wartime archives, Rabbi Rudin states:

> … one thing is clear. Partial, incomplete or pre-selected archival records will not be enough in a world where transparency and full disclosure is now the norm if an institution — whether political, financial or spiritual — is to maintain its integrity. What is needed now is for the Vatican to fully open its World War II records.

— Rabbi Rudin (41)

But even more importantly, the omission of vital information about the death penalty provisions of the Noahide Laws prevents us from learning about each others' faiths. Recall that this website was inspired by the Very Rev. the Chief Rabbi of United Hebrew Congregations, Jonathan Sachs. Rabbi Sachs' declared goal is to improve religious tolerance worldwide.

Rather than find fault with the efforts of Rabbis Boteach and Lapin to teach the public about the Noahide Laws, let us help them to fill in the information gaps. Print out a copy of this article and give it to your Christian friends, your ministers, and anyone of good faith who sincerely loves the Bill of Rights. Download a copy of this web site to your own disc, make CDs, and put them in the hands of responsible organizations throughout the country.

Further distribution suggestions are to be found on the Download page. (5)

For more information on the Noahide Law popularizers and advocates, see Merry Christmas, and Off with Your Head! (37) and *The Noah's Covenant Web Site* (48) An Internet search engine will bring up many other references as well, using all the alternate spellings.

Thank you for your consideration of the above,
Carol A. Valentine, Ear@Come-and-Hear.com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_1.html)

Endnotes:

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Appendix: Why Christianity Makes Jews Uncomfortable

Here are the "Ten Essential Differences" that make Jews uncomfortable about Christianity, according to Rabbi Shmuley Boteach (see *Judaism for Everyone*, pages 403 through 412). In *Judaism for Everyone*, each point is followed by a short essay explaining the issue. The point headings are copied verbatim from the book and appear in *italics*. The supporting comments are summarized in the Come and Hear™ editor's own words, or in a phrase excerpted from the essay.

721. *Judaism Conceives of God as an Absolute Unity.* (No Father, Son, and Holy Ghost.)

722. *For Jews, the Belief That God Can Be Human Is the Ultimate Heresy.* (No Jesus, no icons, no Crucifix.)

723. *Jews Do Not Believe in Original Sin and the Fall of Man, a Cornerstone of Christian Faith.* (Judaism believes man is born innocent.)

724. *In Judaism, the Messiah Has a Political and Physical Role, Not a Spiritual One.* (The real Messiah establishes Jewish political autonomy, restores the Jewish monarchy, gathers the Jewish exiles from the Diaspora, and rebuilds the Temple.)

725. *To Christians, Jesus Was the Messiah, or Christ, Predicted by the Prophets of the Bible and Awaited by the Jews.* (The Messiah will not be the Son of God, but human.)

726. *Jews Believe the Covenant Between God and the People of Israel Embodied in the Hebrew Scriptures to Be Eternally Valid.* (The land of Canaan belongs to the Jews. New Testament teachings are unacceptable.)

727. *Christianity is Oriented Toward the Next World, Judaism toward This World.* ("Judaism is oriented towards this world and steadfastly promotes the idea that that man's purpose is to perfect the world and bring Godliness to an otherwise un-Godly planet.")

728. *In Contrast to Judaism, Christianity Advocates an Intermediary between God and Man.* (Rabbi Boteach does not explain the role of the Talmudic Sages who reveal the very Word of God. See Critical Words More Critical Words. Nor does he explain the role of Moses, the prophets of the Old Testament, or the

rabbis who interpret the Talmud/Torah. In Judaism, intermediaries happen.)

729. *Historically, Jews have Been the Objects of Christian Missionary Activities.* (See The 613 Commandments, numbers 37 through 41, which command Jews "Not to love the missionary," "Not to cease hating the missionary," "Not to save the missionary," "Not to say anything in his defense," "Not to refrain from incriminating him.")

730. *Judaism is based on God's revelation to and Covenant with the People.* ("Judaism is predicated on the belief of a collective divine revelation at the foot of Mount Sinai to the entire assembled House of Israel … Christianity, in contrast, is predicated on the teachings of a single man/deity as revealed to the apostles." Of course, God spoke only to *Moses* on Mt. Sinai, and the conversations at the *foot* of Mount Sinai were between *Moses* and "the entire assembled House of Israel;" and Jesus spoke not just to the apostles, but to everyone who would listen …)

Title: *America's New Government Church*
URL: *http://antimatrix.org/Convert/Books/Talmud/editor/america_1.html*
Version: *April 13, 2004*

NEXT: New America 2: *Sex with Children by Talmud Rules*

There are changes in the wind. Some people may be happy, some may be unhappy. Let's go directly to the Talmud to see its laws on some social concerns.

Judith Levine, author of *Harmful to Minors: The Perils of Protecting Children from Sex*, is a Jewish "bad guy." Critics attacked Ms. Levine's book, saying it advocated sex between children and adults. Newhouse News quoted Ms. Levine on the Roman Catholic pedophilia scandal: "'Yes, conceivably, absolutely' a boy's sexual experience with a priest could be positive."(19) Ms. Levine later said the reporter had misunderstood her.

Dr. Laura Schlessinger, radio talk show host, is a Jewish "good guy." She is one of the most prominent Orthodox Jews in America, and famous for her denunciation of homosexuality. From her radio show, Dr. Laura attacked a study of pederasty, published in *Psychological Bulletin* in 1998, claiming it advocated sex between children and adults. The US House of Representatives went on to pass a resolution unanimously rejecting the study. (19)

Dr. Laura with her husband, Dr. Louis Bishop, and her rabbi, Dr. Moshe Bryski at the Chabad of Conejo in Agoura Hills, California. An article in defense of Dr. Laura published in the *Jewish Homemaker* states:

"Her approach has earned her the respect of her largely Christian audience, which sees in her a kindred spirit. 'People have a newfound respect and understanding for Judaism,' she says … How does she reconcile Jewish law with her largely non-Jewish audience? 'I

always say to callers, according to Jewish law, this is the law; let's see how we can extrapolate to your situation.' Dr. Laura admits that she is a novice when it comes to the Jewish view of things. 'Sometimes during a break I call Rabbi Bryski and say, "I have ten seconds; here's the situation. What's the law?"' … She professes astonishment at her lack of support from Orthodox Jewish quarters. 'I have been disappointed at how silent the Orthodox community has been. The people to come to my defense, and in defense of G-d's laws, have been basically Christian Protestant.'" (33)

Perhaps the explanation for Dr. Laura's lack of Orthodox support is that Jewish law permits and condones many of the behaviors Dr. Laura and her Christian listeners condemn.

Orthodox Rabbi Daniel Lapin, author of *America's Real War* and director of Toward Tradition, presents himself as a Jewish "good guy" to conservative Christian audiences. He is a favored speaker with Concerned Women for America (CWA), the Christian Coalition, and similar groups. Those groups condemn homosexuality and child-adult sex.

"For over three thousand years Jewish tradition and Jewish law have been unambiguous about homosexuality: it is a sin," (9) states Rabbi Lapin. However, Rabbi Lapin fails to quote the Talmud law, which makes it clear that male homosexuality is not an offense if the adult man uses a boy below the age of nine years and a day. Homosexuality is only a capital offense when committed between consenting adult males. Talmud law also authorizes adult men to have sexual intercourse with girls three years old and younger.

Homosexual Couple. (15) Married in 1999, these consenting adults would be put to death under Talmud law.

HE WHO COMMITS SODOMY WITH A MALE OR A BEAST, AND A WOMAN THAT COMMITS BESTIALITY ARE STONED. (Sanhedrin 54a)

However, if a grown man were to have sexual relations with a boy younger than nine, the man would incur no guilt.

Young Boy by Elisabeth Louise Vigee-Le Brun, 1817

Leviticus 18:22 prohibits a man lying with a man, but not with a young boy. Thus the Talmud Sages reason:

Pederasty with a child below nine years of age is not deemed as pederasty … Sanhedrin 54b

Rabbi Dr. Freedman, Talmud scholar and translator, explains in his running commentary that "… if one committed sodomy with a child of lesser age, no guilt is incurred."(13)

Image.(10)

Young Girl

In the world of the Talmud Sages, grown men have sexual intercourse with girls younger than three years old. The young girls are wounded and bleed from the activity, but the Talmud Sages were of the opinion that in one so young, virginity comes back: "Intercourse with her is like putting a finger in the eye," (Niddah 44b) and the tears come back again and again. Apparently the Sages attributed the repeated bleeding during copulations to the repeated rupture of the regenerated hymen.

Another Sweet Baby

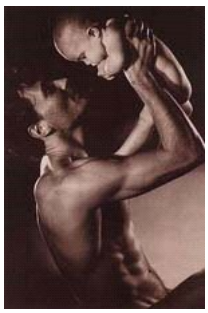
Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his. — Sanhedrin 55b

MISHNAH *A girl of the age of three years and one day may be betrothed by intercourse …* (Niddah 44b)

Fillette à la Gerbe by Renoir, 1888

Regardless how young, the Talmud wife is required to carry out her "marital duties" regularly and normally. Any problems are consigned to the lap of G-d.

One who is under [eleven] or over [twelve] must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages ruled: The one as well as the other carries on her marital intercourse in a normal manner and mercy will be vouchsafed from heaven, for it is said in Scripture, The Lord preserveth the simple. — Niddah 45a



Man Holding Baby, showing relative sizes

R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest, for it is said, But all the women children that have not known man by lying with him, keep alive for yourselves, and Phinehas [a High Priest] surely was with them …
There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day, and Rabbi [Judah the Prince] declared her eligible to live with a priest.

Rev. Dr. Israel W. Slotki adds in a footnote: "I.e., permitted her to continue to live with her husband." — Yebamoth 60b

Rabbi Yitzchok Adlerstein is the director of Project Next Step of the Simon Wiesenthal Center in Los Angeles and a professor of Jewish Law and Ethics at Loyola Law School. Rabbi Adlerstein writes:

"… many of the pressing moral, ethical, and legal issues that are front-burner today were already painstakingly and lovingly considered by savants of the past. Jewish law in particular surprises and delights moderns, because it not only suggests solutions, but teaches how complex moral issues can be attacked and dissected. Within its ancient legal code are deep and detailed considerations of issues like privacy, allocating medical resources, the causes of violence, and many more. So much of the future stands to be illuminated by the minds of those who specialized in pondering deeply and subtly." — Rabbi Adlerstein (37)

Homosexuality between women is not forbidden in the Talmud. Some Sages disapprove, but the Talmud contains no ruling against it, and no punishment, save this:

Women who practise lewdness with one another are disqualified from marrying a priest. — Yebamoth 76a, Shabbath 65a

One wonders: Does Rabbi Bryski withhold these facts from Dr. Schlessinger, or does Dr. Schlessinger know and withhold it from her Christian listeners?

Jennifer Oneill and her son

The purity of the relationship between mother and child is implicit in a portrait like this.

To Americans, there is no suggestion of eroticism. Yet the Talmud indicates that eroticism between mother and son is not unexpected. It is not an actionable offense and the Sages have only the slightest condemnation for the mother. Depending on the son's age — is he older than eight years? — the mother may be ineligible to marry a priest.

Our Rabbis taught: If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her — Beth Shammai [Sages] say, he thereby renders her unfit to the priesthood. Beth Hillel [Sages] declare her fit. ... All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not: their dispute refers only to one who is eight years old ... — Sanhedrin 69b

Such practice is foreign to the standards of most Americans. It will take some getting used to.

You can help in the battle for Truth, Justice, and the American Way! Fight the forces of censorship and suppression of the Talmud, and bring about understanding between peoples of different faiths.

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Robert Knight is the director of the Culture and Family Institute, an affiliate of Concerned Women for America. Knight told CNN that Judith Levine's book, *Harmful to Minors: The Perils of Protecting Children from Sex*, gives "academic cover to child molestation."(28) However, Knight has high praise for Rabbi Daniel Lapin's Toward Tradition organization, which he describes as "revolutionizing relations between Christians and Jews and fueling a rebirth of traditional Judaism." (29) Rabbi Lapin was a featured speaker at the October 26-27, 2002 World Conference of Families meeting in Washington, DC, which was co-sponsored by CWA, Toward Tradition and others. (30) Lapin was quoted in CWA's commemorative news article. (12)

Orthodox Judaism, to which Rabbi Lapin subscribes, teaches that the Talmud is the Word of God. The Talmud authorizes and sanctifies sexual intercourse between adults and very young children, including homosexual intercourse. Has Rabbi Lapin neglected to tell Concerned Women for America about those Jewish doctrines? Americans must get beyond fear of rejection and be open and frank with each other if we are to have real understanding between different religious faiths.

Beverly LaHaye (left) is the founder of Concerned Women for America. Her husband, **Tim LaHaye** (right), is co-author of the *Left Behind* novels, fictionalized accounts of End Times and the Rapture of true believers.

One wonders: Does Rabbi Lapin withhold these facts from the LaHayes, or do the LaHayes know and withhold it from their CWA members?

Dr. Sigmund Freud

Of all the complexes Dr. Freud allegedly found in the human subconscious, the Oedipus complex is probably the most well-known. According to Freud, a child lusts carnally for the flesh of his mother and yearns to replace his father in the marriage bed. The world was deeply shocked by Freud's statement when he published it. Freud said the world's denial was really an affirmation of his theory, but some scholars have a different perspective.

"One of the cornerstones of psychoanalysis is the Oedipus complex. According to the generally accepted version during a session of self-analysis Freud unearthed a childhood

memory of being sexually aroused by seeing his mother naked (Ernest Jones, 1961). However, as Webster pointed out there is no evidence whatsoever that this episode ever occurred. What Freud wrote about his discovery to Fliess was that he remembered a long train journey, and because it was so long he deduces that he might have had the opportunity of seeing his mother naked. He then deduced further that he might have been aroused by the scene. Although the incident might have happened there is a good probability that the memory Freud recovered was in fact false (Webster, 1996). Soon after Freud uncovered these memories from his own childhood he postulated a universal law — the Oedipus complex." (34)

Dr. Freud's work loses the sparkle of originality when seen in the light of the Talmud doctrines that formed a part of his cultural background.

Oedipus gouges out his own eyes (unidentified dramatic production).

Sophocles (the playwright, 496-406 BC), his Greek audience, and the hundred generations of audiences since that time have viewed the life of Oedipus as a profound tragedy. His unintentional marriage with his mother is not the fulfillment of a subconscious wish for either of them, but an accident ordained by the Fates. When they learn the truth, Oedipus blinds himself in grief and horror, and his mother, Jocasta, commits suicide.

In contrast, the Talmud Sages discuss Oedipal intercourse casually as though it were a common occurrence in family life. The issue of concern for the Sages is whether such a woman is still fit to marry a priest:

If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her, — Beth Shammai say, he thereby renders her unfit to the priesthood. Beth Hillel declare her fit. — Sanhedrin 69b

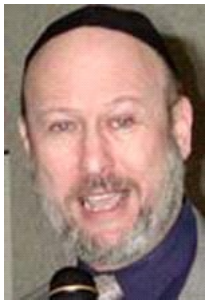
House of Freud's birth, 1859, in Pribor, Czech Republic, formerly known as Freiberg, Moravia. (20)

Freud came from a Hasidic family and always asserted his Jewishness, joining B'nai B'rith in his later years. Using a search string such as "Freud Hasidic" with an Internet search engine brings up a wealth of information. The American Jewish Congress publishes an article that states, "Freud saw psychoanalysis as a 'metamorphosed extension of Judaism'." (17) As Rabbi Adin Steinsaltz tells us, "In many ways the Talmud is the most important book in Jewish culture, the backbone of creativity and of national life. No other work has had a comparable influence on the theory and practice of Jewish life, shaping spiritual content and serving as a guide to conduct." (35) The Talmud discusses sexual activity between mother and son as a commonplace.

Some of Freud's borrowings from Judaism seem to have been even more direct — During his lifetime, a guest once found seminal books on Jewish mysticism in Freud's personal library. (18) The links between psychoanalysis and Judaic religion, both direct and indirect, are recognized by many scholars.

"The Lurianic Kabbalah represents the most complex and sophisticated variant of Jewish mystical theosophy. As transmitted by his disciples (notably Chayyim Vital, 1542-1620, see Menzi and Padeh, 1999), and later interpreted by the Hasidim, Isaac Luria's dynamic understanding and reformulation of the symbols of the Zohar, provides a theological scheme which cries out to be interpreted in psychological terms. Freud is reported to have exclaimed 'This is gold!' when presented with a German translation of one of the Lurianic works (Bakan, 1971), and Jung once wrote that 'a full understanding of the Jewish origins of psychoanalysis would carry us beyond Jewish Orthodoxy into the subterranean workings of Hasidism and then into the intricacies of the Kabbalah which still remain unexplored psychologically' (Jung, 1975, p. 358-9)." — Dr. Drob (16)

Upon learning of these things, one is confronted with two questions: Why didn't Freud tell us the source of his doctrines, and why didn't rabbis who were familiar with Jewish mysticism, point out the similarities at the time?



Rabbi Daniel Lapin, "national radio talk show host on political, economic, and cultural values, and the author of two best sellers … Rabbi Lapin was recently appointed by President Bush to a three-year term on the Government's Commission on U.S. Heritage." (14)

"Rabbi Daniel Lapin is President of Toward Tradition, a national educational movement of Jews and Christian Americans seeking to advance the nation toward traditional, faith based principles of government, the rule of law, and a moral public culture."(30)

In reading this, a Christian might not inquire to which traditions and laws Rabbi Lapin would advance the country. Christian traditions and laws concerning sex and children are very different from Jewish law.

The Very Reverend The Chief Rabbi of the British Empire, the late Dr. Joseph H. Hertz

"This is not the place to speak of the influence of the Talmud; how throughout the centuries of persecution and darkness, it saved Israel from intellectual and moral degradation. My purpose is merely to give a brief presentation of the Talmud as a book. I shall therefore conclude with the words of I. Abrahams. 'The Talmud,' he says, 'is one of the great books of the world. Rabbinism was a sequel to the Bible; and if, like all sequels, it was unequal to its original, it nevertheless shares its greatness. The works of all Jews up to the modern period were the sequel to this sequel. Through them all may be detected the unifying principle that literature in its truest sense includes life itself; that intellect is the handmaid to conscience; and that the best books are those which best teach men how to live. The maxim, *Righteousness delivers from death,* applies to books as well as to men. A literature whose consistent theme is Righteousness, is immortal." — Rabbi Hertz (32)

We are told there is a movement afoot to make pederasty (child-adult sex) socially acceptable and legally permissible. Researching the issue, we find that many dominant voices on both sides of the controversy are Jewish.

How is this possible? Which voices speak for the core values of Judaism? Our questions are not prompted by idle curiosity, but by social concern. America is rapidly becoming Talmudized, and we should understand the direction in which our social policies are moving.

Let us start with an article in the *Washington Times*, a major newspaper that espouses conservative Christian values. The *Times* provides a useful starting point because they name names. Let us borrow the *Times*' viewpoint.

Jewish Bad Guys

> Feminist writer Judith Levine's book *Not Harmful to Minors: The Perils of Protecting Kids from Sex* has been condemned by those who say she excuses sexual abuse of children — a charge she strongly denies.
>
> Ms. Levine says she was "misunderstood" after a news article last month quoted her saying a boy's sexual experience with a priest "conceivably" could be positive.

— Washington Times (1)

The *Washington Times* depicts Harris Mirkin as follows:

> Harris Mirkin, a professor at the University of Missouri-Kansas City, published a 1999 article in the Journal of Homosexuality complaining that boys who have sex with men "are never considered willing participants, even if they are hustlers." He has also written that "children are the last bastion of the old sexual morality."

— Washington Times (1)

The Washington Times cites a controversial psychology research study:

> A 1998 "meta-analytic" study in an American Psychological Association (APA) journal argued, among other things, that "value-neutral" language such as "adult-child sex" should be used to describe child molestation if it was a "willing encounter."

— Washington Times (1)

The study was conducted by Bruce Rind, Robert Bauserman, and Philip Tromovitch, and was published in the *Psychological Bulletin* in 1998 under the editorship of Nancy Eisenberg.(4)

Jewish Good Guys

Here come the good guys. Meet Joy Silberg.

> Ms. Levine's book favorably cites the Rind study and, in a telephone interview, she defended the study as "methodologically meticulous." But Baltimore psychologist Joy Silberg, whose clinical practice involves treating child-abuse victims, says the study is "horribly flawed."
>
> "I can't call it science," she said.
>
> … Ms. Silberg, the Baltimore psychologist, agrees that the "whole academic movement" to legitimize sex with children "is growing."

— Washington Times (1)

Now comes Dr. Laura Schlessinger:

> Radio host Laura Schlessinger led a campaign against that study by Temple University psychology professor Bruce Rind and two other academics. Congress eventually voted unanimously to condemn the Rind study — which has already been used as evidence to defend accused child molesters in at least three court cases.

— Washington Times (1)

Dr. Laura is, of course, widely considered a shining example of moral rectitude. She is famous for her denunciation of homosexuality, (7) and very popular with those who call themselves fundamentalist Christians. As one of America's best-known Orthodox Jews, Dr. Laura received the 2001 National Heritage Award from the National Council of Young Israel, an organization of 150 Orthodox synagogues in the US. The executive vice president of Young Israel is Rabbi Pesach Lerner. The following report comes from the *Jewish Telegraphic Agency.*

> The program for the National Council of Young Israel dinner described Schlessinger as "a powerful source of inspiration and pride for all Jews." The mainly right-leaning Orthodox Jews filling the large room applauded her, and many approached her afterward to ask for autographs and declare their admiration …

— Jewish Telegraphic Agency (2)

We are told that Schlessinger is a member of a Lubavitch synagogue, Chabad of Agoura, in suburban Los Angeles. Then:

> Schlessinger's rabbi, Moshe Bryski, insists that his most famous congregant is serious about the moral questions she receives, researching Jewish ethics and frequently calling him to consult on issues that arise on her show.
>
> "There is a sense of responsibility because at times she'll call me about specific questions, and I realize the answer is going to be broadcast to 20 million people, and I better get it right," Bryski says.

— Jewish Telegraphic Agency (2)

The Jewish publication, *Forward*, also covered Dr. Laura's Young Israel award.

> The executive director of Young Israel, Rabbi Pesach Lerner, said Ms. Schlessinger was chosen because of her success "in changing the moral compass of this country," on issues such as abortion, abstinence and homosexuality. He also cited her personal religious journey that eventually led her to adopt an Orthodox lifestyle.

— Forward(5)

No doubt Rabbi Bryski listens to Dr. Laura' show to see how his student is doing. Given

her fame as an Orthodox Jew, we might expect that some of the rabbis affiliated with the 150 Orthodox synagogues in the Young Israel organization would listen in, too.

Jewish law, of course, is based primarily on the Talmud, which Jews often call the "Torah." (48) Let's follow Dr. Laura, Rabbi Bryski, and Young Israel directly to the source of their doctrines, the Talmud. We will ask the reader to be patient and tolerant when reading this material, even though some of these ideas may be very new.

(*Note: When excerpting quotations from the Talmud, we sometimes omit non-germane text and footnotes. Omission of text is indicated by an ellipsis (...). To see the full text and footnotes, follow the hot link at the end of the excerpt. It is our pleasure to make available on line a number of Talmud tractates, so that you can see the excerpt in full context. We indicate unprintable Hebrew characters, words, and phrases with the symbol* [H].)

Talmud Permits Child-Adult Sex

Talmud law permits sexual intercourse between children and adults. This doctrine is contained in a number of Mishnahs. Before we examine them, however, it is necessary that the reader be familiar with the word *kethubah*.

According to the Soncino Talmud Glossary:

> KETHUBAH (Lit., 'a written [document]'); (a) a wife's marriage settlement which she is entitled to recover on her being divorced or on the death of her husband. The minimum settlement for a virgin is two hundred *zuz*, and for a widow remarrying one hundred zuz; (b) the marriage contract specifying the mutual obligations between husband and wife and containing the amount of the endowment and any other special financial obligations assumed by the husband.

— Babylonian Talmud, Soncino Talmud Glossary

Zuz is a unit of currency. We see, then, that a dollar (or *zuz*) value is put on virginity.

Now let's look at a Mishnah from Kethuboth 11a:

> ***MISHNAH.*** WHEN A GROWN-UP MAN (7) HAS HAD SEXUAL INTERCOURSE WITH (8) A LITTLE GIRL, (9) OR WHEN A SMALL BOY (10) HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR [WHEN A GIRL WAS ACCIDENTALLY] INJURED BY A PIECE OF WOOD (11) — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ] …

— Babylonian Talmud, Tractate Kethuboth 11a
Soncino 1961 Edition, page 57

The translator, Rabbi Dr. Samuel Daiches, amplifies the text with footnotes:

> 731. A man who was of age.
>
> 732. Lit., 'who came on'.

733. Less than three years old.

734. Less than nine years of age.

735. Lit., 'One who was injured by wood', as a result of which she injured the hymen.

— Rabbi Dr. Daiches

Let's review the above-cited Mishnah: "When a grown-up man has had sexual intercourse with a little girl, or when a small boy has intercourse with a grown-up woman …" It is obvious that sex activity between a grown man and a little girl, and between a grown woman and a little boy, is a part of the woof and the warp of everyday Talmud life; such relationships, in the eyes of the Sages, are unremarkable. There is no prohibition on sexual activity between adults and young children — it is simply regulated. Recall the words of the Very Reverend the Chief Rabbi of the British Empire the late Dr. Joseph Herman Hertz:

> Religion in the Talmud attempts to penetrate the whole of human life with the sense of law and right. Nothing human is in its eyes mean or trivial; everything is regulated and sanctified by religion. Religious precept and duty accompany man from his earliest years to the grave and beyond it. They guide his desires and actions at every moment.

— Rabbi Dr. Hertz (38)

Thus, if the Talmud permits girls three years old and younger to be sexually used by adults, that is the law. The concern of the Sages is to ensure that the adult is not, technically speaking, in violation of any of the rules.

Regenerating Virginity

In the Gemara that follows the Mishnah of Kethuboth 11a (cited above), the Sages discuss the issues. They say having intercourse with a girl younger than three is like putting a finger in the eye. Rabbi Dr. Daiches explains in the footnotes that, just as tears come to the eye again and again, so does virginity come back to the little girl under three years.

> ***GEMARA***. Rab Judah said that Rab said: A small boy who has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood. (1) When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to (2) flesh. Some teach this teaching by itself: (3) [As to] a small boy who has intercourse with a grown-up woman, Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh. R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO

ACCORDING TO R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER KETHUBAH IS A MANEH! (4) Raba said, It means (5) this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less than this, (6) it is as if one puts the finger into the eye; (7) but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] 'a girl injured by a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

— Babylonian Talmud, Tractate Kethuboth 11b
Soncino 1961 Edition, page 57-58

Rabbi Dr. Samuel Daiches amplifies the text with footnotes (page 58):

736. Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood.

737. Lit., 'is not in'.

738. I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah.

739. The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel.

740. Lit., 'says'.

741. Lit., 'here', that is, less than three years old.

742. I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45a.

— Rabbi Dr. Daiches

To a person unaccustomed with the Talmud culture, it may seem that discussion of sexual intercourse between grown men and very young girls is merely theoretical. But as we shall see, cases are cited, judgments are weighed and debated, and the Sages discuss the wounds suffered by the young girls as a result of the intercourse.

More on Regenerating Virginity

We know that the amount of a woman's *kethubah* depends on her virginity on her wedding day. But what of a woman who, as a little girl below the age of three years, was raped or otherwise subjected to sexual intercourse? The Sages rule that the *kethubah* of such a woman is set as if she were still a virgin.

MISHNAH. A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A

WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS TWO HUNDRED [*ZUZ*]. AND THERE IS WITH REGARD TO THEM THE CLAIM OF [NON-]VIRGINITY. (17)

— Babylonian Talmud, Tractate Kethuboth 11a
Soncino 1961 Edition, page 54

This seems like a generous and humanitarian ruling, the creation of a legal fiction of virginity when the woman is no longer physiologically a virgin. But Dr. Daiches corrects us. He tells us that, according to the Sages, the hymen of a girl younger than three *literally* grows back again.

743. If they had sexual intercourse before they were three years and one day old the hymen would grow again, and they would be virgins. V. 9a and 11b and cf. Nid. 44b and 45a.

— Rabbi Dr. Daiches (25)

See also the discussion of Niddah 44b and 45a, below.

As we continue to explore the Talmud doctrines on child-adult sex, we will see further confirmation that the Talmud Sages believed that the hymen regenerates in a girl younger than three.

"… Of Lesser Age, No Guilt is Incurred"

In modern America, sex between an adult and a child is condemned in proportion to the youth of the child. That is, Americans generally consider sex with a fifteen year old, a twelve year old, a six year old, and a three-year-old on a continuous scale of condemnation. The younger the child, the greater the condemnation.

Talmudic law works on the reverse scale: sex with younger children is less significant than sex with older children. How did this doctrine come about?

Scripture states thus:

744. Thou shalt not lie with mankind, as with womankind: it is abomination.

— Leviticus 18:22 (KJV)

The Old Testament prohibits a man lying with a man; but notice, the Old Testament does not prohibit a man lying with a boy. Thus, the Talmud Sages arrive at their position on pederasty. In the following, bestiality said to be committed "naturally" when a man uses the vaginal passage of the beast, and "unnaturally" when a man uses the anal passage of the beast. The Sages make a similar distinction for the couplings of a woman with a beast.

GEMARA. … Rab said: Pederasty with a child below nine years of age is not

deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that. (2) What is the basis of their dispute? — Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect]. (3) But Samuel maintains: Scripture writes, [*And thou shalt not lie with mankind*] *as with the lyings of a woman*. (4)

It has been taught in accordance with Rab: Pederasty at the age of nine years and a day; [55a] [he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment. (5)

— Babylonian Talmud, Tractate Sanhedrin 54b - 55a
Soncino 1961 Edition, page 371

The translator, Rabbi Dr. H. Freedman, amplifies the text with footnotes. Note particularly footnote 2: "… but if one committed sodomy with a child of lesser age, no guilt is incurred." See also the final sentence of footnote 5: "… nine years (and a day) is the minimum age of the passive partner for the adult to be liable." (See Soncino Talmud Glossary for definition of Baraitha.)

745. I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.

746. At nine years a male attains sexual matureness.

747. Lev. XVIII, 22. Thus the point of comparison is the sexual matureness of woman, which is reached at the age of three.

748. (Rashi reads [H] instead of the [H] in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day — refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind*, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

— Rabbi Dr. Freedman

The plain English meaning of the Talmud text is clear, but if there is any doubt, the Soncino scholars put the matter to rest: No guilt is incurred with a boy child younger than

nine, even in incest. Thus we see that Orthodox Jewish doctrines concerning homosexuality are not accurately represented by Dr. Laura and other Orthodox spokesmen.

Out of Context?

When quoted, those passages in Tractate Sanhedrin 54b and 55a are sometimes said to be taken out of context. Theologian James Trimm is one who makes this protest.(6) But now the full context of Sanhedrin 54b and 55a — and indeed, the complete Sanhedrin — is available to the readers of Come and Hear™.

Rabbi Michael Rodkinson, whose English translation of the Talmud was republished in 1918, censored the Sages' teaching on this issue. The 1918 Edition of Rabbi Rodkinson's Talmud was published under the editorship of Rabbi Dr. I. M. Wise, the pioneer of Reform Judaism. Rabbi Rodkinson explains his censorship in a footnote:

> We deem it expedient not to translate about two pages of the text preceding the next Mishna, treating of miserable crimes with men and animals, and giving the discussion with questions and answers, it would be undesirable to express in the English language …

— Rabbi Rodkinson (26)

For further discussion, see "Rabbi Rodkinson Censors the Talmud" in Do Not Censor the Talmud, Please.

Censorship, expurgation, and denial of the clear and obvious meaning of basic religious text do not help inter-religious understanding. It does not help people of different religions understand each others' faiths. See What We're About.

The lack of reliable authoritative information on the doctrines of Judaic law is a significant problem as American society and law becomes more Talmudized. Such information gaps can cause unwanted societal consequences.

America Is Rapidly Becoming Talmudized

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (31) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html
Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and

http://www.come-and-hear.com/editor/cp-jw-01-08-03

Oedipal Incest

According to Rabbi Dr. H. Freedman (footnote 5, above), in Sanhedrin 54b-55a the Sages confirm, "in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day." Therefore, a mother who encourages her son to have sexual intercourse with her incurs no guilt if her son is younger than nine years old and a day. In such an arrangement, the mother would be the "passive" adult, of course.

Adult Male Homosexuality

> ***MISHNAH***. HE WHO COMMITS SODOMY WITH A MALE OR A BEAST, AND A WOMAN THAT COMMITS BESTIALITY ARE STONED.

— Babylonian Talmud, Tractate Sanhedrin 54a
Soncino 1961 Edition, page 367

This clears matters up. Consenting adults who engage in homosexuality suffer the death penalty. But homosexuality with a male child under the age of nine years and a day is not punishable (Sanhedrin 54b-55a, above). Recall Rabbi Dr. Freedman's clear statement of the doctrine:

> 749. I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.

— Rabbi Dr. Freedman (21)

Female Homosexuality

But what of female homosexuality?

> ***GEMARA***. … Women who practise lewdness with one another are disqualified from marrying a priest.

— Babylonian Talmud, Tractate Yebamoth 76a
Soncino 1961 Edition, page 512 - 513

The same statement appears in Shabbath 65a, page 311. The ruling, then, is only that a woman who "commits lewdness" with another is disqualified from marrying a priest. Thus a woman who never had ambitions to marry a priest suffers no sanction for her homosexual activity.

All of this paints a different picture of Orthodox Jewish doctrine on homosexuality — as enshrined in the G-d-given law of the Talmud. What would Dr. Laura say if she knew? Or does she?

More on Oedipal Incest

In the following passage, the question before the Sages is this: If a mother committed incest with her son, would she still be eligible to marry a priest? As we shall see, the answer depends on the son's age. Again, incest with a young boy is not a concern, while incest with an older boy brings consequences to the adult. Here, the Sages debate the threshold age.

> ***GEMARA.*** … Our Rabbis taught: If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her, — Beth Shammai say, he thereby renders her unfit to the priesthood. Beth Hillel declare her fit. R. Hiyya the son of Rabbah b. Nahmani said in R. Hisda's name; others state, R. Hisda said in Ze'iri's name: All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not: (2) their dispute refers only to one who is eight years old, Beth Shammai maintaining, We must base our ruling on the earlier generations, but (3) Beth Hillel hold that we do not.

— Babylonian Talmud, Tractate Sanhedrin 69b
Soncino 1961 Edition, page 470

The translator, Dr. Freedman, uses "cohabitation" to denote sexual intercourse. (32) He amplifies the text with footnotes.

> 750. So that if he was nine years and a day or more, Beth Hillel agree that she is invalidated from the priesthood; whilst if he was less that eight, Beth Shammai agree that she is not
>
> 751. When a boy of that age could cause conception.

— Rabbi Dr. Freedman

The issue rests on the boy's theoretical ability to cause conception. Since (theoretically) a boy younger than nine cannot cause conception, he cannot (theoretically) engage in sexual intercourse (see above, from page 58, footnote 1, "… the intercourse of a small boy is not regarded as a sexual act"). This is a specialized definition of sexual intercourse.

The boy's youth also exempts the man who sodomizes him — from moral guilt and legal liability. That is, the young boy cannot "throw guilt" on a man who lies with him, and the Scripture does not apply. If the boy is old enough to cause conception, the man who lies with him is in violation of Scripture.

And now we have the answer to a question that might have occurred to the reader when we discussed incest between mother and son, above: Why wouldn't a mother like that be charged with incest? We have seen this explanation from Rabbi Dr. Freedman before, but it warrants further study. In a synthesis of logical premises unique to Talmudism, the translator again helps us out with a footnote. The language is complex, but the meaning of the last few lines is clear: By reckoning back and forth between the definition of "man," "cause conception," "active," and "passive" participants in a sexual act, the

conclusion is drawn that incest is not punishable with a boy younger than nine years old.

> 752. [Rashi reads [H] instead of the [H] in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day — refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind,* where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

— Rabbi Dr. Freedman (24)

American Puritanism vs. Rabbinic Tradition

Forward reports criticism of Young Israel's award to Dr. Laura.

> The problem, according to her liberal critics, is that Ms. Schlessinger pushes a conservative, pro-life platform that is out of touch with the mostly liberal American Jewish public. Worse, they say, is that her "sanctimonious" moralism and harsh style are more a reflection of American Puritanism than the ancient rabbinic tradition.
>
> "It's sad that with all the outstanding individuals doing great work, the National Council of Young Israel has chosen someone whose comments have been so divisive within and outside of the Jewish community," said Rabbi Douglas Kahn, the executive director of the Jewish Community Relations Council of San Francisco.
>
> Rabbi Kahn said he was referring in particular to the controversy sparked by Ms. Schlessinger's claim that homosexuality is "deviant" and a "biological error." Last year gay rights organizations and other liberal groups organized a boycott of Ms. Schlessinger's new television show, which was eventually canceled due to poor ratings.
>
> More than a dozen Jewish leaders signed a critical letter to Ms. Schlessinger, including Rabbi Paul Menitoff, the executive vice president of the Reform movement's Central Conference of American Rabbis.

— Forward(5)

Indeed, Rabbis Kahn, Menitoff, and other Reform rabbis are right. Dr. Laura is not representing "the ancient rabbinic tradition," which allows ample room for homosexuality

and pederasty. But why didn't Rabbis Kahn and Menitoff and their Reform colleagues publicly correct Dr. Laura and her Orthodox mentors, in particular Rabbi Moshe Bryski, by using the authority of direct quotes from the Talmud?

Children as Concubines, Babies as Wives

The ancient Hebrews were permitted to use children as concubines. Moses established the precedent. In the passage below, the Hebrews have just massacred the Midianite men. They return home with booty, and the Midianite women and children. Moses directs them to slaughter the captive women and children with this exception: virgin girl children are to be kept as concubines for the Hebrews.

> 753. And they brought the captives, and the prey, and the spoil, unto Moses, and Eleazar the priest, and unto the congregation of the children of Israel, unto the camp at the plains of Moab, which are by Jordan near Jericho.
>
> 754. And Moses, and Eleazar the priest, and all the princes of the congregation, went forth to meet them without the camp.
>
> 755. And Moses was wroth with the officers of the host, with the captains over thousands, and captains over hundreds, which came from the battle.
>
> 756. And Moses said unto them, Have ye saved all the women alive?
>
> 757. Behold, these caused the children of Israel, through the counsel of Balaam, to commit trespass against the LORD in the matter of Peor, and there was a plague among the congregation of the LORD.
>
> 758. Now therefore kill every male among the little ones, and kill every woman that hath known man by lying with him.
>
> 759. But all the women children, that have not known a man by lying with him, keep alive for yourselves.

— Numbers 31:12-18 (KJV)

In the following, the Talmud Sages reason that, since Phinehas was among the Hebrews who were permitted a child concubine and Phinehas was a priest, Numbers 31:17-18 is Divine sanction for the marriage of priests with girls under the age of three — babies. The rabbis describe the babies as proselytes. The *American Heritage Dictionary* defines *proselyte* as "a Gentile converted to Judaism." In the following passage, a bondman is a male slave, and a bondwoman a female slave.

> ***GEMARA.*** … It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest, (2) for it is said, *But all the women children that have not known man by lying with him, keep alive for yourselves*, (3) and Phinehas (4) surely was with them. And the Rabbis? (5) — [These were kept alive] as bondmen and bondwomen. (6) If so, (7) a proselyte whose age is three years and one day (8) should also be permitted! — [The

prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, *Kill every woman that hath known man by lying with him*, (9) but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, *But all the women children, that have not known man by lying with him, keep alive for yourselves*, (3) but do not spare them if they have known. Consequently (10) it must be said that Scripture speaks of one who is fit (11) for cohabitation. (12)

— Babylonian Talmud, Tractate Yebamoth 60b
Soncino 1961 Edition, page 402

This is a special definition of cohabitation. The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

760. She is not regarded as a harlot.

761. Num. XXXI, 18.

762. Who was a priest.

763. How could they, contrary to the opinion of R. Simeon b. Yohai, which has Scriptural support, forbid the marriage of the young proselyte?

764. Not for matrimony.

765. That, according to R. Simeon, Num. XXXI, 18 refers to matrimony.

766. So long as she has *'not known man'*.

767. Num. XXXI, 17.

768. To reconcile the contradiction.

769. I.e., one who had attained the age of three years and one day.

770. Not one who had actually experienced it.

— Rev. Dr. Slotki

The doctrine that Jewish men may have sexual intercourse with non-Jewish children ("proselytes") under the age of three is expanded in the following passage; "Rabbi" is Judah the Prince.

GEMARA. … R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The *halachah* is in agreement with R. Simeon b. Yohai. (13) Said R. Zera to R. Jacob b. Idi: Did you hear this (13) explicitly or did you learn it by a deduction? What [could be the] deduction? — As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day, (14) and Rabbi

declared her eligible to live with a priest. (15)

— Babylonian Talmud, Tractate Yebamoth 60b
Soncino 1961 Edition, page 403

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

771. That a proselyte under the age of three years and one day may be married by a priest.

772. And was married to a priest.

773. I.e., permitted her to continue to live with her husband.

— Rev. Dr. Slotki

Not every Sage agreed with this practice. The Talmud records the words of one Sage who objected to one case, though it does not record the specifics of his objection.

GEMARA. … A certain priest married a proselyte who was under the age of three years and one day. Said R. Nahman b. Isaac to him: What [do you mean by] this? (12) — The other replied: Because R. Jacob b. Idi stated in the name of R. Joshua b. Levi that the *halachah* is in agreement with R. Simeon b. Yohai. (13) 'Go', the first said, 'and arrange for her release, or else I will pull R. Jacob b. Idi out of your ear'. (14)

— Babylonian Talmud, Tractate Yebamoth 60b
Soncino 1961 Edition, page 404

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

774. I.e., on what authority did you contract the marriage.

775. V. *supra* p. 403. n. 13.

776. He would place him under the ban and thus compel him to carry out his decision which is contrary to that of R. Jacob b. Idi.

— Rev. Dr. Slotki

How Old Is the Screamer?

In Talmud doctrine, if a wife is a screamer — that is, her voice can be heard by the neighbors — she can be divorced without her *kethubah*.

MISHNAH. THESE ARE TO BE DIVORCED WITHOUT RECEIVING THEIR KETHUBAH: A WIFE WHO TRANSGRESSES THE LAW OF MOSES OR [ONE WHO TRANSGRESSES] JEWISH PRACTICE … [SUCH TRANSGRESSIONS INCLUDE] ALSO THAT OF A WIFE WHO CURSES HER HUSBAND'S PARENTS IN HIS PRESENCE. R. TARFON SAID: ALSO ONE WHO SCREAMS. AND WHO IS REGARDED A SCREAMER? A

WOMAN WHOSE VOICE CAN BE HEARD BY HER NEIGHBOURS WHEN SHE SPEAKS INSIDE HER HOUSE.

— Babylonian Talmud, Kethuboth 72a
Soncino 1961 Edition, page 449

However, in the current context of the child bride, the matter becomes another issue. It is surely possible that a three or four-year-old wife screams in pain when required to perform her marital duties. On reading further, the Gemara explains that if the wife screams during intercourse, it may be a sign of a physical defect.

GEMARA. … R. TARFON SAID: ALSO ONE WHO SCREAMS. What is meant by a screamer? — Rab Judah replied in the name of Samuel: One who speaks aloud (10) on marital matters. In a Baraitha it was taught: [By screams was meant a wife] whose voice (11) during her intercourse in one court can be heard in another court. But should not this, then, (12) have been taught in the Mishnah (13) among defects? (14) — Clearly we must revert to the original explanation. (15)

— Babylonian Talmud, Tractate Kethuboth 72b
Soncino 1961 Edition, page 453

Rev. Dr. Israel W. Slotki amplifies the above Gemara in the following footnotes. He tells us these were not screams of pleasure — they were screams of pain.

777. Lit., 'makes her voice heard'.

778. Her screams of pain caused by the copulation.

779. Since her screaming is due to a bodily defect.

780. Infra 77a.

781. Of course it should. Such a case in our Mishnah is out of place.

782. That given in the name of Samuel.

— Rev. Dr. Slotki

In some cases, however, the screaming wife may be one who is so young and physically underdeveloped, her sexual organs cannot accommodate those of a grown man. It seems this child is at risk of being divorced without her *kethubah*. That is, of course, a concern.

A Different Viewpoint

There is no Talmud prohibition against sexual activity between an adult and very a young child on the basis that such activity could wound the child. Instead, the concern of the Sages is focused on interpreting Biblical injunctions and technicalities that absolve the adult from guilt or liability: At what age, they ask, does the child begin to cause "defilement" of the adult who uses the child for sex?

This next passage illustrates the point once more. The Sages debate "from what age does a heathen child cause defilement"? Is it nine years, or is it three years? If the correct threshold age is observed, the Jew incurs no guilt for the act of pederasty.

> ***GEMARA***. … From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day, [37a] for inasmuch as he is then capable of the sexual act he likewise defiles by emission. Rabina said: It is therefore to be concluded that a heathen girl [communicates defilement] from the age of three years and one day, for inasmuch as she is then capable of the sexual act she likewise defiles by a flux. This is obvious! — You might argue that he is at an age when he knows to persuade [a female] but she is not at an age when she knows to persuade [a male, and consequently although she is technically capable of the sexual act, she does not cause defilement until she is nine years and one day old]. Hence he informs us [that she communicates defilement at the earlier age].

— Babylonian Talmud, Tractate Abodah Zarah 36b-37a
Soncino 1961 Edition, pages 178-179

This may surprise the American reader who encounters it for the first time. In our society, of course, an adult who uses a child — particularly a very young child — for sexual activity is criminally censured.

Brother Takes Three-Year-Old Widow

In Tractate Niddah, again there is approval for priests to marry and copulate with baby girls. This passage describes a situation in which a priest dies without children, leaving a three-year-old widow. In such case, the priest's brother (the *yebam*) can acquire the girl by having sexual intercourse with her. *The ellipsis (...) in the following Mishna indicates the omission of non-germane text. The full text is available through the link at the Come and Hear™ link, below.*

> ***MISHNAH.*** A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED BY INTERCOURSE; … IF SHE WAS MARRIED TO A PRIEST, SHE MAY EAT TERUMAH.

— Babylonian Talmud Tractate Niddah 44b
Soncino 1961 Edition, page 308

Terumah is the word for temple offerings eaten by priests. This statement indicates that the three-year-old bride is the widow of the priest in all respects and privileges.

In the passage below, we see that the widow of a man who is not a priest can be sexually possessed by her erstwhile brother-in-law and thereby become his wife.

> ***GEMARA.*** … R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his.

— Babylonian Talmud, Tractate Sanhedrin 55b

Soncino 1961 Edition, page 376

The statement quoted above from Tractate Sanhedrin 55b also appears in Tractate Sanhedrin 69a, Soncino 1961 Edition, page 469.

Wounding Young Brides by Intercourse

The Sages go on to discuss sexual intercourse with a girl younger than three years old: Wounding the child and causing her to bleed is one possible result. From the Sages' description, it is apparent that the baby bleeds again and again from copulation with a grown man, and the Sages, once again, attribute the bleeding to the repetitive rupturing of the hymen (i.e., virginity growing back).

In the following Mishnah, non-germane text is omitted (...). Please follow the source link to view the complete Mishnah.

> ***MISHNAH***. A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED BY INTERCOURSE; … IF ONE WAS YOUNGER THAN THIS AGE INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE.

— Babylonian Talmud, Tractate Niddah 44b
Soncino 1961 Edition, page 309

The image of "a finger in the eye" is once again explained in the following Gemara. The possibility that the three-year-old committed adultery with a stranger is also addressed:

> ***GEMARA***. … IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE. It was asked, Do the features of virginity disappear and reappear again or is it possible that they cannot be completely destroyed until after the third year of her age? In what practical respect could this matter? — In one, for instance, where her husband had intercourse with her before the age of three and found blood, and when he had intercourse after the age of three he found no blood. If you grant that they disappear and reappear again [it might well be assumed] that there 'was not sufficient time for their reappearance, but if you maintain that they cannot be destroyed until after the age of three years it would be obvious that a stranger cohabited with her. Now what is your decision? — R. Hiyya son of R. Ika demurred: But who can tell us that a wound inflicted within the three years is not healed forthwith, seeing it is possible that it is immediately healed and it would thus be obvious that a stranger had cohabited with her? Rather the practical difference is the case, for instance, where her husband had intercourse with her while she was under three years of age and found blood and when he had intercourse after the age of three he also found blood. If you grant that the features disappear and reappear again the blood might well be treated as that of virginity, but if you maintain that they cannot be destroyed until after the age of three years, that must be the blood of menstruation. Now what is your decision? — R. Hisda replied, Come and hear: IF ONE WAS YOUNGER THAN THIS AGE,

> INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE; what need was there to state, LIKE PUTTING A FINGER IN THE EYE' instead of merely saying: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS of no consequence'? Does not this then teach us that as the eye tears and tears again so do the features of virginity disappear and reappear again.

— Babylonian Talmud, Tractate Niddah 45a
Soncino 1961 Edition, page 309-310

Rest for the Intercourse Wound

This Gemara from Tractate Kethuboth takes up the discussion of the pre-pubescent bride who is wounded by intercourse.

> ***GEMARA***. … R. Hisda objected: If a girl, whose period to see [blood] had not arrived yet, got married, Beth Shammai say: One gives her four nights, and the disciples of Hillel say: Until the wound is healed up. (1) If her period to see [blood] had arrived and she married, Beth Shammai say: One gives her the first night, and Beth Hillel say: Until the night following the Sabbath [one gives her] four nights.

— Babylonian Talmud, Tractate Kethuboth 6a
Soncino 1961 Edition, page 20-21

The translator, Rabbi Dr. Samuel Daiches, amplifies the text with this footnote.

> 783. The blood that comes out is attributed to the wound and not to menstruation. Ordinarily, after the first intercourse further intercourse is forbidden until the coming out of blood, i.e., menstruation, is over. But in this case, in which the young bride had never yet had any menstruation, it is assumed that the blood is not due to menstruation but to the wound caused by the intercourse. According to Beth Shammai this assumption holds good for four nights, and according to Beth Hillel it holds good 'until the wound is healed up.' As to the definition of this phrase, v. Nid. 64b. V. also Nid. 65b, where it is finally decided that after the first coition no further intercourse must take place until the flowing of blood has stopped, even in the case of a young bride who had not yet had any menstruation. V. also Eben ha-'Ezer, 63, and Yoreh De'ah, 193.

— Rabbi Dr. Daiches

We have been told that according to Jewish law, a post-pubescent bride who bleeds after the first intercourse does not have intercourse again until after her next menstrual period (above). The situation is different, however, for a bride who has not reached the age of menstruation. What are the rules concerning the bleeding pre-pubescent bride? Shammai rabbis say the intercourse wound should be given four nights rest. The Hillel rabbis recommend abstinence until the wound is healed (Kethuboth 6a). See also Tractate

Niddah, as follows:

> ***MISHNAH***. IF A YOUNG GIRL, WHOSE AGE OF MENSTRUATION HAS NOT YET ARRIVED, MARRIED, BETH SHAMMAI RULED: SHE IS ALLOWED FOUR NIGHTS, AND BETH HILLEL RULED: UNTIL THE WOUND IS HEALED.

— Babylonian Talmud, Tractate Niddah 64b
Soncino 1961 Edition, page 454

Again, there is no prohibition of a sexual practice that would almost certainly cause physical damage to a young girl due to the mismatched sizes of genitals between an adult's penis and a child's vagina or anus.

Old Fashioned Torah Values?

> At a time when Americans are displaying an ever-increasing interest in all things Jewish — from kabbala to Senator Joseph Lieberman to "Kosher Sex" — Dr. Laura is the most popular source for a healthy dose of Jewish nagging, guilt trips and what she presents as lessons in good old-fashioned Torah values.

— Forward(5)

We have seen in Numbers 31:12-18 that Moses permitted grown men to use little girls as concubines. In the Talmud, grown men are permitted to have sexual intercourse with female babies and children, and homosexual relations with boys younger than nine.

Those "good old fashioned Torah values" are not quite as Christian America remembers them.

Marital Duties of the Pre-Pubescent Bride

The marital duties of the pre-pubescent brides are addressed in at least three tractates in almost the same words (Yebamoth 12b and 100b, Niddah 45a, and Kethuboth 39a).

In the following passage, the Sages discuss the use of contraception. All the Sages agree that a wife younger than eleven — a wife who is too young to become pregnant — is required to carry on "marital intercourse" in the normal manner. Recall that those brides can be as young as three, and sometimes younger.

> ***GEMARA***. … Three classes of woman may use an absorbent (1) in their marital intercourse: (2) A minor, and an expectant and a nursing mother. The minor,(3) because otherwise she might become pregnant and die. An expectant mother, (3) because otherwise she might cause her foetus to degenerate into a sandal. (4) A nursing mother, (3) because otherwise she might have to wean her child prematurely, (5) and this would result in his death. And what is the age of such a 'minor'? (6) From the age of eleven years and one day to the age of twelve years

> and one day. One who is under (7) or over this age (8) must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages ruled: The one as well as the other carries on her marital intercourse in a normal manner and mercy (9) will be vouchsafed from heaven, for it is said in Scripture, *The Lord preserveth the simple* (10) …

— Babylonian Talmud, Tractate Niddah 45a
Soncino 1961 Edition, page 311

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with these footnotes:

> 784. *Muk*, flax or hackled wool.
>
> 785. To avoid conception.
>
> 786. Is permitted the use of the absorbent.
>
> 787. A fish-shaped abortion. Lit., 'flat-fish'.
>
> 788. On account of her second conception which causes the deterioration of her breast milk.
>
> 789. Of whom it has been said that she is capable of conception but is thereby exposed to fatal consequences.
>
> 790. When conception is impossible.
>
> 791. When conception involves no danger.
>
> 792. To protect them from harm.
>
> 793. Ps. CXVI, 6; *sc*. those who are unable to protect themselves. At any rate it was here stated that a minor under eleven years of age is incapable of conception. …

— Rev. Dr. Slotki

Did Girls Reach Puberty Earlier Then?

It is sometimes claimed that in the days when the Talmud Sages walked the earth, girls matured earlier; hence, sexual intercourse with girls three years old and younger was not inappropriate. However, the Talmud itself repudiates this assertion.

In Tractate Niddah 45a (quoted above), the Sages argue: "From the age of eleven years and one day to the age of twelve years and one day" a girl may use an "absorbent" (contraception) "because otherwise she might become pregnant and die." The Sages also say girls younger (than eleven) must carry on sexual intercourse "in the normal manner." Therefore, as a general rule, the Sages did not expect a girl younger than eleven could get pregnant. The statements in Niddah 45a indicate that sexual maturation of women in the time of the Talmud Sages compares with sexual maturation of women in our own day.

Or consider the passage that appears just previous in Niddah 45a:

> ***GEMARA***. … It is related of Justinia the daughter of 'Aseverus son of Antonius that she once appeared before Rabbi. 'Master', she said to him, 'at what age may a woman marry?'. 'At the age of three years and one day', he told her. 'And at what age is she capable of conception?' 'At the age of twelve years and one day', he replied. 'I', she said to him, 'married at the age of six and bore a child at the age of seven; alas for the three years that I have lost at my father's house'. But can a woman conceive at the age of six years?

— Babylonian Talmud, Tractate Niddah 45a
Soncino 1961 Edition, page 310

Justinia's assertion that she had a child at seven is surprising, and it even surprises the Sages ("But can a woman conceive at the age of six years?"). But note that Rabbi (Judah the Prince), who was familiar with far more than a single girl's experience, estimated twelve as the earliest age for childbearing. Rabbi would of course be familiar with all phases of human life from his career of counseling, judging, and recording. Remember (Talmud Laws of Menstruation), the rabbis were intimately familiar with the physiological details of their female parishioners, consulted even on specimens of a woman's vaginal discharge. Rev. Dr. Slotki remarks on the above Gemara in footnote 10 on the following page:

> 794. … At any rate it was here stated that a minor under eleven years of age is incapable of conception. How then is Justinia's story to be reconciled with this statement?

— Rev. Dr. Slotki (3)

The Rights of the Child

The treatment of children in Orthodox Judaism has caused concern in Italy. A Genoa court, ruling in a custody dispute, accepted the report of psychologists that Orthodox Judaism views "exploitation and cruelty to minors as legitimate … and perverted behavior as normal." For more details, see Appendix: The Rights of the Child.

The Rudin Standard

Let us consider again *Forward*'s coverage of Dr. Laura's National Heritage award from Young Israel.

> With 20 million listeners and a tendency to present her conservative views as an outgrowth of her Orthodox Jewish faith, Dr. Laura may well be Judaism's top ambassador to middle America.

— Forward (5)

But we notice Dr. Laura never tells Middle America about the doctrines of Orthodox Judaism on child-adult sex. We wonder how things would work out for her ratings if she

followed the advice of Rabbi A. James Rudin, Senior Interreligious Adviser of the American Jewish Committee.

In February 2002, Rabbi Rudin wrote an article for *Forward*, commenting on the Vatican's decision to open its World War II archives — partially. In that context, Rabbi Rudin offered the Vatican the following advice:

> … one thing is clear. Partial, incomplete or pre-selected archival records will not be enough in a world where transparency and full disclosure is now the norm if an institution — whether political, financial, or spiritual — is to maintain its integrity.

— Rabbi A. James Rudin (8)

If it is important to fully disclose records of historical events, surely it is more important to fully disclose fundamental religious doctrines that may soon be embodied in US law — especially when those doctrines are controversial.

On the subject of child-adult sex, there is a great divide between Talmud culture and American culture. However, the extent of that divide is known only to one side. Rabbis in America know and understand American culture, Americans know almost nothing about Talmud culture. When the fundamental doctrines of the Talmud are examined carefully, we find that feminist writer Judith Levine, author of *Not Harmful to Minors: The Perils of Protecting Kids from Sex*, is truer to classical Judaism than Dr. Laura.

Jewish leadership — from the most liberal of the Reform rabbis to the most conservative of the Orthodox rabbis — have done Judaism a disservice by not coming forward with the facts and applying Rabbi Rudin's standard of full disclosure. How can we achieve understanding between people of different religious faiths if we do not take courage and stand behind our own religious convictions?

Thank you for your consideration of the above,
Carol A. Valentine, Ear at come-and-hear dot com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_2.html)

NEXT: [New America 3: Talmud Laws of Menstruation]

Navigate Carol Valentine's
America Under the Talmud — Will It Work for US?

The notorious *burqa*, the head to toe face-and-body hiding gown of Afghanistan, has become a symbol of the oppression of women in Islam.

Let us review the Talmud law of Niddah: a woman is unclean for two weeks out of four, contaminating everything and everyone she touches and sexually forbidden to her husband. When not menstruating, she is inserting rags into her vagina to test for menstrual fluids. If she and her husband violate the law, they are subject to arrest and punishment. When menstruation is complete, she must endure another seven days in the state of uncleanness.

If a woman took the Talmudic laws of menstruation seriously, it would be impossible for her to have a career. For about two weeks ever month, a female doctor would contaminate every patient and every instrument she touched; a female lawyer would contaminate everything she handled in her law office: every chair, desk, telephone, law book, or computer keyboard.

A full-face burqa

Some Muslim women wear cloth *burqas,* but not all *burqas* are made of cloth. Given the restrictions and regulations of the Niddah laws, it is only reasonable for American men and women to ask: Do we want to go there?

Kotex Commercial, c. 1921 (13) "In the wardrobe of Her Royal Daintiness …" With modern sanitary practices, products, and knowledge, it is difficult to understand how the laws of *niddah* would promote hygiene in the contemporary world. It is also hard to understand why those laws would be advocated in 1948 by Rabbi Dr. Epstein, or in 1999 by Rabbi Boteach. And given that many other cultures in the world thrived without the *niddah* laws, it is possible that those laws were not significantly hygienic, even in the days of the Talmud Sages.

Rabbi Noson Gurary is an Orthodox and Hasidic rabbi. He is Executor Director of Chabad of Buffalo, New York, and is quoted by the Jerusalem Post, thus: "By demonstrating the philosophy of Jewish law and its moral values, we can bring a little beacon of light to this world." (6)

Americans are accustomed to considering a woman's menstrual cycle a matter of personal privacy — to be shared with her husband alone, or if need be, her doctor. Americans may have difficulty grasping the profound public concern with *niddah* in New America.

You can help in the battle for Truth, Justice, and the American Way! Fight the forces of censorship and suppression of the Talmud, and bring about understanding between peoples of different faiths.

Download this site to your desktop computer. Make CDs and distribute them to friends, neighbors, ministers, and community leaders. Email your favorite essay to your email list.

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Rabbi Shmuel Kaplan officiates in a Chabad Lubavitch center in Potomac, Maryland, a prosperous suburb of Washington, DC. The center hosts a *mitweh* for Orthodox Jewish women to satisfy the *niddah* law.

Violation of the Niddah Law, if deliberate, is punishable by death.

When the *niddah* period is over, the law requires the woman to have a ritual bath, called a *mitweh*. This fine bag of cosmetics is available to help the Orthodox woman make her *mitweh* experience more aesthetic. The vendor, Kosher.com, advertises that they "make kosher a way of life." For many modern American women to whom privacy and freedom is a way of life, Kosher.com's motto might not be a selling point.

Rabbi Dr. Isidore Epstein, editor of the Soncino Talmud, states that the law of Niddah promotes "respect for womanhood." Still, non-Jewish Americans may wonder how respect for womanhood is promoted by declaring a woman unclean for two weeks of

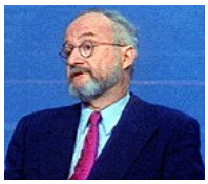
every month, and teaching that she defiles everyone and everything she touches. We may respect things that defile, but is this the respect a woman would want?

"[The Niddah ordinances] concern the very being of the soul of the Jew. They safeguard the purity of the Jewish soul, without which no true religious moral and spiritual life — individual or corporate — as Judaism conceives it, is attainable." — Rabbi Dr. Epstein (2)

Rabbi Shmuley Boteach is a disciple of the late Rabbi Menachem Mendel Schneerson. He is friends with Uri Geller, Madonna, and Michael Jackson.

In his book, *Kosher Sex*, Rabbi Boteach writes in glowing terms about the Talmudic prohibition of married sex for two weeks every month. He states that the Bible did mankind a favor by inventing a way to improve a marriage. For two weeks, the couple avoids "monotony" in their marriage by observing abstinence.

Rabbi Boteach omits the harsh rhetoric of a woman's "uncleanness" and her defilement of "every object with which she comes in contact;" he omits mention of the testing rags pushed into the vagina; and he omits the rabbinical judgment about the colors of menstrual blood. He also omits mention of possible arrest and death penalty for violation — surely something that would spice up anyone's sex life.



Rabbi A. James Rudin, National Interreligious Affairs Director of The American Jewish Committee:

"Partial, incomplete or pre-selected archival records will not be enough in a world where transparency and full disclosure is now the norm if an institution … is to maintain its integrity." (10)

Sigmund Freud, founder of psychoanalysis, at a psychoanalytic congress in The Hague, 1920

The Talmudic warning about the desire of snakes to crawl into a woman's vagina is strangely reminiscent of the symbolism of Sigmund Freud:

"Most of those animals which are utilized as genital symbols in mythology and folklore play this part also in dreams: the fish, the snail, the cat, the mouse (on account of the hairiness of the genitals), but above all the snake, which is the most important symbol of the male member." — Sigmund Freud (19)

We might take this as a confirmation both of Freud's thesis about the human subconscious and Talmud mysticism/mythology — if not for the fact that Dr. Freud was Jewish, of Hasidic stock, and living among Jewish compatriots. Nor was this the only instance of Talmud doctrine popping up in Freud's work, masquerading as the subconscious of Mankind. In one of Freud's major theses, he alleged that every child desires sexual intercourse with his mother — the so-called Oedipal complex. From Sex with Children by Talmud Rules, we learn that the Sages of the Talmud accepted Oedipal intercourse as an unremarkable event in the life of a young child.

Unknown to many of Freud's supporters and critics, Freud knowingly used his knowledge of Judaism in the development of psychoanalysis. According to an article published by the Orthodox Union, "Freud saw psychoanalysis as a 'metamorphosed extension of Judaism'." — Gertel (20)

Karl Jung writes, "A full understanding of the Jewish origins of psychoanalysis would carry us beyond Jewish Orthodoxy into the subterranean workings of Hasidism and then into the intricacies of the Kabbalah which still remain unexplored psychologically." — Karl Jung (21)

Rabbi Bloch was once visiting Freud, and was left alone in his library, where "he had nothing to do but to browse through the books on Freud's shelf, amongst which was a French translation of the classical Kabbalistic text, the Zohar, as well as several German language books on Jewish mysticism." — Dr. Sanford Drob (12)

Freud himself asserted his atheism to the end of his days, though he also asserted his Jewishness and in later years (1897), he International Order of B'nai B'rith in Vienna.

Women in Burqas

This picture, allegedly of Afghani women, was captured from the National Organization of Women (NOW) web page, where much text decries the *burqa* and the oppression of

women it represents. However, no mention could be found on that site of the niddah laws. (18) As America considers adopting Talmud law and customs, we wonder at the silence.

The law of Niddah, if implemented in the US, would effectively imprison American women in a Talmudic legal *burqa*. Notwithstanding the glowing recommendations from Rabbis Epstein and Boteach, we must ask: Do we want to go there?

Congress has not declared Islamic law to be the basis "upon which our great Nation was founded," nor has the Supreme Court, in its entire history, accepted for consideration a brief based on Islamic law. No National Institute of Islamic Law been established to inject the laws of Islam into the American legal system, and the Supreme Court building has not been used as a banquet hall to celebrate the event.

Perhaps we need to pay more attention to place of women in Judaism and study Judaism's basic book of law, the Talmud. See
- **Talmud Daughters Become Talmud Wives**,
- **And So a Talmud Marriage Ends**,
- **Sex with Children by Talmud Rules**, and
- **Jewish Harems in Talmud Law**.

> Niddah: A woman in the period of her menstruation.
>
> — Soncino Talmud Glossary for the *Babylonian Talmud*

> [The Niddah ordinances] concern the very being of the soul of the Jew. They safeguard the purity of the Jewish soul, without which no true religious moral and spiritual life — individual or corporate — as Judaism conceives it, is attainable.
>
> — Rabbi Epstein, Introduction to Seder Tohoroth (2)

Non-Jewish Americans may find it difficult to comprehend the importance of menstruation in the Jewish religion and culture. One indication of its importance is that an entire tractate of the Babylonian Talmud, the Tractate Niddah, is devoted to menstruation laws. (17)

We do not wish to subject the Talmud Sages to undue scrutiny. Many peoples, from the Australian Aborigines to the South African Bushmen, have put restrictions on menstruating women. (14) However, we in America are not being asked to move closer to the ways of the Australian Aborigines or South African Bushmen, but closer to the ways of the Talmud. Thus, it behooves us to look closely.

Niddah in a Nutshell

The Old Testament stipulates a woman is unclean during menstruation, but the Talmud stipulates her period of uncleanness lasts for an additional week after menstruation has ended. *Niddah* is the word used to denote the menstruating woman *and* her period of uncleanness. The *niddah* defiles everyone and everything she touches. She may not have sexual intercourse with her husband. If she does, he is subject to arrest and perhaps the death penalty. Some *niddah* laws apply to Gentile women, too. In his *Introduction to Tractate Niddah*, Rev. Dr. Israel W. Slotki states:

> Chapter IV is concerned with the condition of uncleanness of non-Jewish women, such as Samaritans, Sadduceans and idolaters …

— Rev. Dr. Slotki (4)

Thus it behooves all American men and women — Jew and Gentile alike — to come to grips with the laws of Niddah.

Meet Typhoid Mary

The Jewish Encyclopedia gives an overview of the law of Niddah. It states that those laws are based on Leviticus 15:19, *et seq.*

> The Pentateuchal code (Lev. xv. 19 et seq.) ordains that a menstruous woman shall be unclean for seven days from the beginning of the period, whether it lasts only one day or all seven.

— Jewish Encyclopedia (5)

Let's look at the Bible verses cited by the Jewish Encyclopedia. Leviticus 15:19 reads:

> 795. And if a woman have an issue, and her issue in her flesh be blood, she shall be put apart seven days: and whosoever toucheth her shall be unclean until the even.

— Leviticus 15:19 (KJV)

So then, according to the Old Testament, a woman has to be isolated during her monthly period and she contaminates all who touch her. They also become "unclean."

> 796. And every thing that she lieth upon in her separation shall be unclean: every thing also that she sitteth upon shall be unclean.
>
> 797. And whosoever toucheth her bed shall wash his clothes, and bathe himself in water, and be unclean until the even.
>
> 798. And whosoever toucheth any thing that she sat upon shall wash his clothes, and bathe himself in water, and be unclean until the even.

— Leviticus 15:20-22 (KJV)

Now the objects she touches become sources of uncleanness, and the contagion spreads. What happens if an "unclean" man touches other people or objects? Do they also become unclean? Leviticus does not tell us. But let us continue to read:

> 799. And if it be on her bed, or on any thing whereon she sitteth, when he toucheth it, he shall be unclean until the even.
>
> 800. And if any man lie with her at all, and her flowers be upon him, he shall be unclean seven days; and all the bed whereon he lieth shall be unclean.
>
> 801. And if a woman have an issue of her blood many days out of the time of her separation, or if it run beyond the time of her separation; all the days of the issue of her uncleanness shall be as the days of her separation: she shall be unclean.
>
> 802. Every bed whereon she lieth all the days of her issue shall be unto her as the bed of her separation: and whatsoever she sitteth upon shall be unclean, as the uncleanness of her separation.
>
> 803. And whosoever toucheth those things shall be unclean, and shall wash his clothes, and bathe himself in water, and be unclean until the even.
>
> 804. But if she be cleansed of her issue, then she shall number to herself seven days, and after that she shall be clean.

— Leviticus 15:23-28 (KJV)

At the end of her period, the woman must give two pigeons and two turtles to the priest so he can slaughter them.

> 805. And on the eighth day she shall take unto her two turtles, or two young pigeons, and bring them unto the priest, to the door of the tabernacle of the congregation.
>
> 806. And the priest shall offer the one for a sin offering, and the other for a burnt offering; and the priest shall make an atonement for her before the LORD for the issue of her uncleanness.

— Leviticus 15:29-30 (KJV)

Talmud Laws "More Onerous"

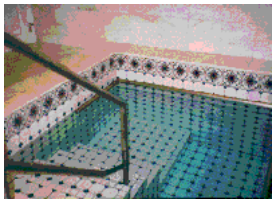
As if all of this were not sobering enough, the *Jewish Encyclopedia* informs us that the Talmud laws are even more onerous:

> In either case she is unclean for seven days only, but during this time her defilement is communicated to every object with which she comes in contact. These laws, however, have been extended in many ways and made more onerous, both by rabbinical traditions and interpretations and by customs which have been

> adopted by Jewish women themselves. According to these more rigid requirements, the woman must reckon seven days after the termination of the period. If, then, this lasts seven days, she can not become pure until the fifteenth day. Purification, furthermore, can be gained only by a ritual bath ("mitweh"); and until the woman has taken this she remains unclean according to the interpretation of R. Akiba (Shabbath 64b), which was accepted by the Rabbis generally. In addition to all this, a woman who does not menstruate regularly is unclean for a certain time before she becomes aware that the period has begun, and objects which she touches are defiled, since there is danger that the menses may have begun a short time before and that she may not have perceived the fact.

— Jewish Encyclopedia (5)

Notice in the above, "Jewish women themselves," are said to have introduced more onerous *niddah* laws. Soncino Translator, Rev. Dr. Israel Slotki, makes the same assertion in his Introduction to Tractate Niddah. (4) Neither cites a source for the assertion. This is a great loss. Why would Jewish women request the Sages to impose more restrictions on their lives? And why would the Sages encode those personal requests in a document that is said to be the Word of God?



A Modern Mitweh
Mikvah Ateres Yisroel (16)
Potomac, Maryland
(Prosperous Suburb
of Washington, DC)

Do your own Internet search on "Jewish ritual bath," "mikvah," "mikveh," "mitweh," "mikwa," etc. You will find many functioning mitwehs around the US, indicating the law of Niddah is very much alive today. A commercially available *mitweh* cosmetic bag is shown in the sidebar.

(*Note: In upcoming Talmud excerpts, we sometimes omit non-germane text and footnotes. Omission of text is indicated by an ellipsis (...). To see the full text and footnotes, follow the hot link at the end of the excerpt (see "Endnotes" for actual URL). It is our pleasure to make available on line a number of Talmud tractates, so that you can see the excerpt in full context. We indicate unprintable Hebrew characters, words, and phrases with the symbol* [H].)

Testing Rags

Because it is an offense to have marital relations during menstruation, and because a woman cannot know with certainty when menstruation has started, she must insert rags

into her vagina before intercourse to test for menstrual fluids.

> ***MISHNAH***. IT IS THE CUSTOM OF THE DAUGHTERS OF ISRAEL WHEN HAVING MARITAL INTERCOURSE TO USE TWO TESTING-RAGS, ONE FOR THE MAN AND THE OTHER FOR HERSELF, AND VIRTUOUS WOMEN PREPARE ALSO A THIRD RAG WHEREBY TO MAKE THEMSELVES FIT FOR MARITAL DUTY. IF A VESTIGE OF BLOOD IS FOUND ON HIS RAG THEY ARE BOTH UNCLEAN AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE. IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER THEIR INTERCOURSE THEY ARE BOTH UNCLEAN AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE. IF, HOWEVER, …

— Babylonian Talmud, Tractate Niddah 14a
Soncino 1961 Edition, page 92

Punishment

Note in the above Mishnah, Niddah 14a, husband and wife are required to bring a sacrifice if they have intercourse during *niddah*. However, there is also provision to inflict the death penalty, presumably if the transgression was deliberate.

> ***MISHNAH***. THERE ARE IN THE TORAH THIRTY-SIX [TRANSGRESSIONS WHICH ARE PUNISHABLE WITH] EXTINCTION:
> 1. WHEN ONE HAS INTERCOURSE WITH HIS MOTHER,
> …
> 15. OR WITH A MENSTRUOUS WOMAN;

— Babylonian Talmud, Tractate Kerithoth 2b
Soncino 1961 Edition, page 1 (7)

Don't Forget Depressions and Folds

Because infractions of the Niddah laws can lead to consequences, a Jewish woman uses great care not to miss the onset of her menstruation. While using testing rags, she should push them into the depressions and folds of her vagina.

> ***GEMARA***. … AND IF A WOMAN USES TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE etc. Rab Judah citing Samuel ruled: A testing-rag used before marital intercourse does not reduce [the doubtful period of retrospective uncleanness] as an examination. What is the reason? — R. Kattina replied: Because the woman is in a hurry to do her marital duty. But what matters it even if she is in a hurry to do her marital duty? — Since she is in a hurry to do it she does not insert the testing-rag into depressions and folds.

— Babylonian Talmud, Tractate Niddah 5a-5b
Soncino 1961 Edition, pages 26-27

You're under Arrest

The Sages arrested those who violated the *niddah* laws. The following account involves a woman who miscarried. The Sage Samuel examined the foetus and found it to be 41 days old. This enabled him to calculate that the couple had conceived the child during the woman's *niddah* period, and so the Sage had the husband arrested.

> ***GEMARA*** … But is it not a fact that when a certain sac was submitted to the Master Samuel he said, 'This is forty-one days old', but on calculating the time since the woman had gone to perform her ritual immersion until that day and finding that there were no more than forty days he declared, 'This man must have had marital intercourse during her menstrual period' and having been arrested he confessed? — Samuel was different from other people because his knowledge was exceptional.

— Babylonian Talmud, Tractate Niddah 25b
Soncino 1961 Edition, page 174

Somehow Samuel knew the date of the wife's last *mitweh* (as above, the ritual bath a woman takes on the completion of her menstruation) and compared that with the developed age of the foetus. How did the Sage know her last Mitweh was 40 days in the past? We are not told.

Neighborhood Watch

The Jews of the Talmud report each other to the authorities for Niddah violations, or suspected Niddah violations. In the first excerpt from Tractate Kethuboth, we learn that a man is flogged because neighbors report he had sexual intercourse with his wife when she was *niddah*.

> ***GEMARA***. … If a woman was known (10) among her neighbours to be a menstruant her husband (11) is flogged on her account for [having intercourse with] a menstruant. (12)

— Babylonian Talmud, Tractate Kethuboth 72a
Soncino 1961 Edition, page 449

Rev. Dr. Israel W. Slotki amplifies the text with footnotes:

> 807. By her habit or the like.
>
> 808. If he had intercourse with her after he had been duly cautioned.
>
> 809. Kid. 80a. Our Mishnah would thus refer to a case where the neighbours informed the husband of the facts after the event.

— Rev. Dr. Slotki

The reader might wonder how the neighbors know the wife is menstruating. Rev. Dr.

Slotki refers us to Kiddushin 80a for an explanation (see his footnote 12). Here is the relevant passage from Kiddushin 80a:

> ***GEMARA***. … For R. Hiyya b. Abba said in R. Johanan's name: We flagellate on the strength of presumption, we stone and burn on the strength if presumption, but we do not burn terumah on the strength of presumption. We flagellate on the strength of presumption, as Rab Judah. For Rab Judah said: If a woman is presumed a niddah by her neighbours, her husband is flagellated on her account as a niddah. (1)

— Babylonian Talmud, Tractate Kiddushin 80a
Soncino 1961 Edition, page 411

Kiddushin translator Rabbi Dr. H. Freedman amplifies the text with this footnote:

> 810. V. Glos. If he cohabits with her, though there are no actual witnesses of her menstruation.

— Rabbi Dr. Freedman

The answer is, then, that the neighbors are not certain the wife is menstruating: They presume she is, report the couple, and on the strength of this report, the husband is flogged.

Rabbis Judge Vaginal Discharges

For most of us, the concept of our clergymen taking an interest in the color of our menstrual blood is foreign, but rabbis make rulings on the colors of menstrual blood:

> ***MISHNAH***. FIVE KINDS OF BLOOD IN A WOMAN ARE UNCLEAN: RED, BLACK, A COLOUR LIKE BRIGHT CROCUS, OR LIKE EARTHY WATER OR LIKE DILUTED WINE. BETH SHAMMAI RULED: ALSO A COLOUR LIKE THAT OF FENUGREEK WATER OR THE JUICE OF ROASTED MEAT; BUT BETH HILLEL DECLARE THESE CLEAN. ONE THAT IS YELLOW, AKABIA B. MAHALALEL DECLARES UNCLEAN AND THE SAGES DECLARE CLEAN. R. MEIR SAID: EVEN IF IT DOES NOT CONVEY UNCLEANNESS AS A BLOODSTAIN IT CONVEYS UNCLEANNESS AS A LIQUID. R. JOSE RULED: IT DOES NEITHER THE ONE NOR THE OTHER.
>
> WHAT COLOUR IS REGARDED AS 'RED'? ONE LIKE THE BLOOD OF A WOUND. 'BLACK'? LIKE THE SEDIMENT OF INK; IF IT IS DARKER IT IS UNCLEAN AND IF LIGHTER IT IS CLEAN. 'BRIGHT CROCUS COLOUR'? LIKE THE BRIGHTEST SHADE IN IT. 'A COLOUR LIKE EARTHY WATER'? EARTH FROM THE VALLEY OF BETH KEREM OVER WHICH WATER IS MADE TO FLOAT. 'ONE LIKE DILUTED WINE'? TWO PARTS OF WATER AND ONE OF WINE OF THE WINE OF SHARON.

— Babylonian Talmud, Tractate Niddah 19a

Soncino 1961 Edition, pages 123-124

In the following incident, a Pharisee High Priest stops to talk to a Sadducee. By accident, some spittle from the Sadducee's mouth falls onto the High Priest. The High Priest is frightened that he had been defiled — perhaps the Sadducee has had sexual intercourse with his menstruous wife. On his return home, the High Priest's wife points out to him that the Sadducee wives shows their menstrual blood to the Pharisee Sages.

> ***GEMARA***. … Our Rabbis taught: It once happened that a Sadducee was conversing with a High Priest in the market place when some spittle was squirted from his mouth and fell on the clothes of the High Priest. The face of the High Priest turned yellow and he hurried to his wife who assured him that although they were wives of Sadducees they paid homage to the Pharisees and showed their blood to the Sages. R. Jose observed: We know them better than anybody else [and can testify] that they show their menstrual blood to the Sages. There was only one exception, a woman who lived in our neighborhood who did not show her blood to the Sages but she died.

— Babylonian Talmud, Tractate Niddah 33b
Soncino 1961 Edition, pages 233-234

The Sages also consider the possibility of menstrual blood found shortly after sexual intercourse, causing both spouses to be classified retroactively as unclean. They also consider blood on the testing-rag that might the result of a louse bite or a louse crushed by the husband's penis ("attendant") during sexual intercourse. This passage (from Niddah 14a) is attached in the Appendix: Niddah 14a Excerpt.

Menstruation Frightens Snakes

Talmud passages suggest that the rabbinic horror of menstrual fluids is not merely religious, but genuine and visceral. For example, in the following from the Tractate Shabbath, the possibility is considered of a woman attempting to drive away a snake. The ultimate weapon, according to the Sages, is for the woman to tell the snake, "I am menstruous." (Note that in the following, the translator uses the word "cohabit" to denote sexual intercourse. [15])

> ***GEMARA***. … If a woman sees a snake and does not know whether it has turned its attention to her or not, let her remove her garments and throw them in front of it; if it winds itself around them, its mind is upon her; if not, its mind is not upon her. What can she do? She should cohabit [with her husband] in front of it. Others say, That will even strengthen its instincts. Rather she should take some of her hair and nails and throw them at it and say, 'I am menstruous'.

— Babylonian Talmud, Tractate Shabbath 110a
Soncino 1961 Edition, page 535

Attributing their own attitudes to the snake, the rabbis believe it would be repulsed by a *niddah*. But what threat does the snake offer the woman? Of course, a venomous snake

might bite the woman, but the rabbis' explanation continues in the following paragraph.

> ***GEMARA***. … If a snake enters a woman, let her spread her legs and place them on two barrels; fat meat must be brought and cast on the burning coals; a basket of cress must be brought together with fragrant wine and placed there, and be well beaten together. They should take a pair of tongs in their hand, for when it smells the fragrance it will come out, so that it can be seized and burnt in the fire, as otherwise it will re-enter.

— Babylonian Talmud, Tractate Shabbath 110a
Soncino 1961 Edition, page 536

The danger, apparently, is that the snake will crawl up the woman's vagina and take up lodging.

Jung once wrote that "a full understanding of the Jewish origins of psychoanalysis would carry us beyond Jewish Orthodoxy into the subterranean workings of Hasidism and then into the intricacies of the Kabbalah which still remain unexplored psychologically." For more discussion and references on Freud's doctrines and their relation to Orthodox Judaism, see http://www.newkabbalah.com/Jung3.html cached at http://www.come-and-hear.com/editor/freuds-gold-mine

How to Explain?

Rabbi Dr. Epstein, editor of the Soncino Talmud, offers two theories for these interesting laws. The first is the hygiene theory:

> Graver in its consequence and in full force to the present day is the law of Niddah. The reasons for the Niddah ordinances are many and varied. They promote sexual hygiene, physical health, marital continence, respect for womanhood, consecration of married life, and family happiness.

— Rabbi Dr. Epstein (2)

Rabbi Dr. Epstein wrote those words in 1947. Note that he says, "… in full force to the present day is the law of Niddah."

Practical Social Explanation of the Niddah Laws

Let us consider Rabbi Dr. Epstein's points.

Hygiene: Menstruation is not a communicable disease. No one in medical history has been infected with it by contact with a carrier. Menstrual discharges are far less septic than excretory discharges, but we do not have entire tractates devoted to urination and defecation.

Commercial sanitary napkins have been available since the 1920's. The Kimberly-Clark

Corporation's web exhibit displays some early vintage ads for Kotex. (3) By that time, of course, many women of the industrialized world lived with indoor running water. Western literature indicates that maintaining feminine daintiness during menstruation has never been an overwhelming cultural problem.

Marital Continence: Recall Rabbi Dr. Epstein states that "Niddah ordinances … promote … marital continence" as though it were a virtue, but does not explain why abstaining from sexual relations in married life is virtuous or desirable.

Respect for Womanhood: Rabbi Dr. Epstein states that "Niddah ordinances … promote … respect for womanhood." Recall that according to the *niddah* laws, the woman is unclean for about two weeks of every month, and during that time she contaminates — defiles — everyone and everything she touches. Under ordinary circumstances, we would expect that would be a little hard on the self-esteem. But Rabbi Dr. Epstein does not explain how this degrading designation could promote respect for womanhood and we are left puzzled.

Religious Explanation of Niddah Laws

Now Rabbi Dr. Epstein gives another reason why *niddah* laws are seemly.

> But over and above these weighty reasons, they concern the very being of the soul of the Jew. They safeguard the purity of the Jewish soul, without which no true religious moral and spiritual life — individual or corporate — as Judaism conceives it, is attainable.

— Rabbi Epstein (2)

To most Americans, it seems extraordinary that menstruation could affect the soul of an entire people; menstruation is simply a fact of biology, much as saliva is a fact of biology.

Just prior to making the above statement, Rabbi Dr. Epstein elucidates his reasoning. Here are the major points, but it behooves the reader to study the original text.

> [Concerning Jewish religious teachers,] fundamental to their view of life is the close relationship of body and soul, so that what affects the one affects the other … From this conception it follows that the soul is affected by the uncleanness of the body … In general, bodily uncleanness has a contaminating influence on the soul, disqualifying the person thus affected from approaching the sanctuary of God.

— Rabbi Epstein (2)

Rabbi Dr. Epstein offers us a tautology: the menstruating woman is "unclean" because LORD God (who created menstruation) considers menstruation unclean, and doesn't want a *niddah* around His sanctuary.

But even so, we can all agree that the Bill of Rights of the United States of America

guarantees the freedom of religion. Every religion embraces beliefs that seem strange or even bizarre to those outside the circle of believers. Judaism, too, has its unique aspects. Let us put into practice the ideal of the Chief Rabbi of the British Commonwealth, Rabbi Professor Jonathan Sacks: Let us be open-minded and learn about each others' religions. (See What We're About.) After all, the menstruation laws are just a Jewish thing, right?

But wait. There is a reason we should all take this personally. It is possible that those laws may be applied to all Americans in the near future.

America Is Rapidly Becoming Talmudized

In 1991, the US Congress declared the Talmudic Noahide Laws to be the basis "upon which our great Nation was founded" (see America's New Government Church). Under Noahide Law regulations, idolaters (which includes Christians by definition) are put to death.

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (6) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
America's New Government Church: http://www.come-and-hear.com/editor/america_1.html
Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html
Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and http://www.come-and-hear.com/editor/cp-jw-01-08-03

Happy-Face Campaign

There is a campaign afoot to put a happy face on the law of Niddah and promote it to non-Talmudic women. Rabbi Shmuley Boteach, an Orthodox Hasidic and disciple of the late Rabbi Menachem Mendel Schneerson, the "Rebbe" of Chabad Lubavatich — is such a promoter. In his book, *Kosher Sex*, Rabbi Boteach speaks glowingly of the Talmudic prohibition of married sex for two weeks every month. He states that the Bible did mankind a favor by inventing a way to improve a marriage. For two weeks, the couple avoids "monotony" in their marriage by observing abstinence.

Rabbi Boteach omits the harsh rhetoric of a woman's "uncleanness" and her defilement of "every object with which she comes in contact;" he omits mention of the testing rags pushed into the vagina; and he omits the rabbinical judgment about the colors of menstrual blood. He also omits mention of possible arrest and death penalty for violation

— surely something that would spice up anyone's sex life.

Instead, Rabbi Boteach tells his readers:

> While husband and wife are permitted to indulge in sex for two weeks, they will forge deep emotional bonds. They unite physically and feel close emotionally. Their passionate physical life deepens their emotion and feeling for each other.
>
> When the woman's menses begin, their two weeks are up — just before monotony sets in. They must separate for the five days of menstruation and for seven days thereafter and maintain a strict period of sexual abstinence.
>
> … Many women have an innate aversion to sex during menstruation …
>
> As the days pass and they begin to hunger for each other, they don't immediately follow their instincts and grab each other. Rather, they allow their nonphysical communication to build up into an intense longing. Their libidinous reserve replenishes itself until, twelve days after they have separated, their love for each other reaches its crescendo, when their inner fire and passion, which have been escalating, leap out like the eruption of a volcano, and they united together in fiery physical bliss.

— Rabbi Boteach (8)

In another of Rabbi Boteach's books, *Judaism for Everyone*, Rabbi Boteach writes:

> [This book] is my attempt to offer traditional Judaism to a modern Jewish and non-Jewish audience in a rational, intelligible, and inspiring light.

— Rabbi Boteach (9)

What a pity Rabbi Boteach gives such scanty information about the *niddah* laws. His treatment of the Niddah laws does not meet The Rudin Standard. (10) Perhaps Rabbi Boteach is concerned that a non-Orthodox readership would be uncomfortable with the nitty gritty of *niddah*. On the other hand, how can we ever achieve understanding between people of different faiths if we are not open and trusting with each other?

Niddah and Blood Ritual

In Animal Sacrifice and the Third Temple, we learned that after Temple priests kill the sacrificial animal, the priests dismember it, drain the blood, and dip their fingers in the blood to smear and sprinkle it around the Temple. The priests squeeze the blood out of the animal's heart, wash the stomach and other organs, and wash the entrails three times. Specially built channels that look like "nostrils" drain the blood into nearby streams. The Temple, then, and the priests are awash with the blood of slaughter and death.

In Circumcision, we learned that the man who performs the ritual sucks the blood of the infant's bleeding penis with his mouth. That ritual, called *mezizah*, is practiced today, despite the knowledge of Jewish leadership that it can and has spread fatal diseases.

But the blood of menses, which is passed without death, infliction of pain, or mutilation, causes revulsion and restriction.

Visible and Invisible Burqas

The notorious *burqa*, the head to toe face-and-body hiding gown of Afghanistan, has become a symbol of the suppression of women in Islam.

Let us review the Talmud law of Niddah: a woman is unclean for two weeks out of four, contaminating everything and everyone she touches, forbidden to her husband. When not menstruating, she is using testing rags. If she and her husband violate the law, they are subject to arrest and punishment. When menstruation is complete, she must take a ritual bath.

If a woman took the Talmudic laws of menstruation seriously, it would be impossible for her to have a career. A menstruating female doctor would contaminate every patient and every instrument she touched; a menstruating lawyer would contaminate everything she handled in her law office: every chair, desk, telephone, law book, or computer keyboard.

Some Muslim women wear cloth *burqas,* but not all *burqas* are made of cloth. Given the Niddah restrictions and regulations in the Talmud, it is only reasonable for American men and women to ask: Do we want to go there?

Come and Hear

There are 509 pages in Tractate Niddah. (18) Read the laws of *niddah* in context, and research your own topics of interest by using the Come and Hear™ Search Engine.

Thank you for your consideration of the above,
Carol A. Valentine, Ear@Come-and-Hear.com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_3.html)

Endnotes:

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Appendix: Niddah 14a Excerpt

Here is a significant excerpt from Tractate Niddah 14a. To see footnotes, follow the link at the end of the excerpt (to http://www.come-and-hear.com/niddah/niddah/niddah_14.html):

> ***MISHNAH***. IT IS THE CUSTOM OF THE DAUGHTERS OF ISRAEL WHEN HAVING MARITAL INTERCOURSE TO USE TWO TESTING-RAGS, ONE FOR THE MAN AND THE OTHER FOR HERSELF, AND VIRTUOUS WOMEN PREPARE ALSO A THIRD RAG WHEREBY TO MAKE THEMSELVES FIT FOR MARITAL DUTY. IF A VESTIGE OF BLOOD IS FOUND ON HIS RAG THEY ARE BOTH UNCLEAN AND ARE ALSO

UNDER THE OBLIGATION OF BRINGING A SACRIFICE. IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER THEIR INTERCOURSE THEY ARE BOTH UNCLEAN AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE. IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME THEY ARE UNCLEAN BY REASON OF DOUBT BUT EXEMPT FROM THE SACRIFICE. WHAT IS MEANT BY 'AFTER A TIME'? WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE. BUT [IF BLOOD WAS FOUND SOME TIME] AFTER SUCH AN INTERVAL SHE CAUSES UNCLEANNESS RETROSPECTIVELY FOR A PERIOD OF TWENTY-FOUR HOURS BUT SHE DOES NOT CAUSE THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAN. R. AKIBA RULED: SHE ALSO CAUSES THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAN. THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO OBSERVED A BLOODSTAIN CONVEYS UNCLEANNESS TO THE MAN WHO HAD INTERCOURSE WITH HER.

GEMARA. But why should not the possibility be considered that the blood might be that of a louse? — R. Zera replied that place is presumed to be tested as far as a louse is concerned. There are others, however, who reply: It is too narrow for a louse. What is the practical difference between them? — The practical difference between them is the case where a crushed louse was found. According to the reply that the place is presumed to be tested, this must have come from somewhere else, but according to the reply that the place is too narrow it might be presumed that the attendant has crushed it.

It was stated: If a woman examined herself with a rag that she had previously examined, and then she pressed it against her thigh on which she found blood on the following day, Rab ruled: She is subject to the uncleanness of a menstruant. Said R. Shimi b. Hiyya to him: But, surely, you told us, 'She has only to take the possibility into consideration'. It was also stated: Samuel ruled: She is subject to the uncleanness of a menstruant. And so they also ruled at the schoolhouse: She is subject to the uncleanness of a menstruant.

It was stated: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood, R. Joseph stated: Throughout all his lifetime R. Hiyya regarded [her] as unclean but in his old age he ruled that [she] was clean. The question was raised: What does he mean: That throughout all his lifetime he regarded [her] as menstrually unclean and in his old age he ruled that [she] was clean as far as menstruation is concerned but unclean on account of the bloodstain, or it is possible that throughout his lifetime he regarded [her] as unclean on account of the stain and in his old age he ruled that [she] was absolutely clean? — Come and hear what was taught: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood, Rabbi ruled: She is

> regarded as menstrually unclean, and R. Hiyya ruled: She is regarded as unclean on account of the bloodstain.

— Babylonian Talmud, Tractate Niddah 14a
Soncino 1961 Edition, pages 92-94

Title: *Talmud Laws of Menstruation*
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NEXT: New America 4: *Jewish Harems in Talmud Law*

ZARAH — A co-wife, a married woman
in relation to the other wives of her husband. — Soncino Talmud Glossary

The late Rabbi Dr. Joseph H. Hertz

"Polygamy seems to have well-nigh disappeared in Israel after the Babylonian Exile … Monogamy in Israel was thus not the result of European contact. As a matter of fact, monogamy was firmly established in Jewish life long before the rise of Christianity." — The Very Reverend the Chief Rabbi of the British Empire, the late Dr. Joseph H. Hertz (13)

MISHNAH. If a man was married to two wives and they died … — Kethuboth 91a

MISHNAH. If a man who was married to three wives died … — Kethuboth 93a

MISHNAH. If a man who was married to four wives died … — Kethuboth 93b

Elizabeth Dilling, in her book, *The Jewish Religion: Its Influence Today*, quotes Columbia University Judaic scholar Salo Wittmayer Baron. Dilling writes:

A 1952 book by Salo Wittmayer Baron, Professor of Jewish History, Literature and Institutions of the Miller Foundation, Columbia University, is entitled, A Social and Religious History of the Jews and is published by the American Jewish Committee's Jewish Publication Society of America. The chapter, "The World of the Talmud," cites the harem of King Solomon (which finished him morally and otherwise), saying its "memory kindled the imagination of polygamous Jews in subsequent ages." Although we are told [page 25] that there was no real difference between Palestinian and Babylonian Jewries fundamentally, the book states, "There are indications that Babylonian Jewish society had more polygamous features than did that of Palestine."

And: "Anecdotes like those current in regard to Rab and Rabbi Nahman [who] after arriving in a foreign city they used to advertise for women ready to marry them for the time of their sojourn ('man havya le-yoma') ... In law, too, the Babylonian emphasis lay upon the Jew's right to 'marry as many wives as he is able to support.'"

... Israel first proposed extra allowances for plural wives but now seems to be screening polygamy from Christian eyes. — Dilling, (c. 1964) (20)

Professor Baron's prestige in his field is evident from the professorial chair in Judaic Studies established in his name at Columbia University. The Salo Wittmayer Baron chair is currently held by Yosef Yerushalmi. (21)

"**The Wilna Gaon**" (the genius of Vilna), is an affectionate name for Rabbi Eliyahu (Elijah) ben Solomon of Vilna, Lithuania, who lived from 1720 to 1797. He is indisputably one of the giants of Judaism. He is quoted as follows:

"If I would be successful, in accomplishing two things I would be idle from Torah and T'fillah and go from city to city [to get them accepted]. One is to eliminate the prohibition of Rabbeinu Gershom against taking two wives for with this the G'ulah (final redemption) will become closer, and the second that they should have bircas Cohanim every day." — as quoted by Emes L'Yaakov (3)

Wives of Tom Green, with children

"Husband to five women, father to twenty-nine children, Tom Green paraded his life-style on television shows, piquing the interest of American audiences and the county prosecutor, who charged Green with bigamy in April 2000 … he was convicted in May 2001 and sentenced to up to five years in prison." — Salt Lake Tribune (7)

Rabina objected: Why not assume that 'kahennah' *implies twelve, and* 'we-kahennah'*, twenty-four? It has indeed been taught likewise: 'He shall not multiply wives to himself beyond twenty-four.' And according to him who interprets the redundant* 'waw'*, it ought to be forty-eight.* — Sanhedrin 21a

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One for sex?

"The first recorded polygamy is that of Lemekh (Genesis 4:19). Why did he do it? A midrash suggests he wanted one wife for procreation and another for sex; the first wife would bear children and then become a living widow because her husband would ignore her, and the second wife would sterilize herself and dress up like a prostitute (Genesis Rabbah 33:2)." — Rabbi Fine (10)

Rabbi David Fine "graduated cum laude with high honors from Brandeis University in Near Eastern and Judaic Studies, received an MA in Jewish history from the graduate school of the Jewish Theological Seminary and was ordained at the Joseph Straus Rabbinical Seminary of Yeshivat HaMivtar in Efrat, Israel." — Jewish Chronicle (10)

Rabbi Fine writes a column for the *Jewish Chronicle*. "No question is too grand or too trivial. Just ask the Rabbi."

Polygamy Happens

The Soncino Talmud was translated by world-renowned Talmud and Hebrew/Aramaic scholars. It was the first complete English translation ever published, and it has been the standard, commonly accepted rabbi-approved English translation for more than six decades.

Accolades for Soncino. Praise for the Soncino Talmud appears on the dust jacket of the 1961 Edition:

"The rendering is accurate and scholarly … In particular the translators deserve praise for their choice of suitable equivalents for technical terms and phrases that are difficult to turn into another language." — The Times Literary Supplement

"… this translation of the Talmud will open up for the English speaking readers the most varied and indispensable index to the collective wisdom of the post-Biblical Hebrew mind, and afford direct knowledge of the ordinances which have governed and continue to govern the religious institutions and social polity of the Jewish people." — the late Rabbi Dr. A. Feldman, Dayan of the Beth Din, London

"I offer my heartiest congratulations to all who have worked together in producing this translation of the Talmud into English. They have dealt with the enormous difficulties of their tasks with remarkable skill." — The Rev. Dr. R. Travers Herford, author of *Christianity in Talmud and Midrash* and *Talmud and Apocrypha*

"The Editor, Dr. Isidore Epstein, and his band of scholars have produced a translation which is a marvel of skill in dealing with the formidable difficulties which the Talmud presents." — The Jewish Chronicle

"The Soncino Talmud is … an adornment for any library, a hallmark of intelligent Jewishness in a family … an unfailing source of inspiring information to the students of every creed and race." — Jewish Forum

"It [the Soncino Talmud] will have value for Gentile as well as Jewish scholars." — The Manchester Guardian

"These volumes are magnificently produced, and will assuredly take their place among the monuments of modern scholarship." — The Yorkshire Post

For an attestation to the usefulness of the Soncino Talmud General Index, see the Very Rev. the Chief Rabbi Dr. Israel Brodie's Foreword. (18)

Polygamy is a Jewish institution. It is practiced, albeit underground, in Israel today. If the

present trend to Orthodoxy among Jews continues, we can expect open polygamy to return soon.

Even for the most Westernized Jews, polygamy (polygyny) is difficult to confront. They obviously feel uncomfortable with the subject: we see them minimize it, excuse it, and defend it (for example, see *The Jewish Encyclopedia*, Appendix A).

Writing about marriage, the Very Reverend the Chief Rabbi of the British Empire, the late Dr. Joseph H. Hertz, states:

> The Biblical ideal of human marriage is the monogamous one. The Creation story and all the ethical portions of Scripture speak of the union of a man with one wife. Whenever a Prophet alludes to marriage, he is thinking of such a union — lifelong, faithful, holy. Polygamy seems to have well-nigh disappeared in Israel after the Babylonian Exile. Early Rabbinic literature presupposes a practically monogamic society; and out of 2800 teachers mentioned in the Talmud, one only is stated to have had two wives.
>
> Monogamy in Israel was thus not the result of European contact. As a matter of fact, monogamy was firmly established in Jewish life long before the rise of Christianity …

— Rabbi Dr. Hertz (1)

The Talmud Challenges Rabbi Dr. Hertz

Most rabbinical scholars (including Rabbi Dr. Hertz) attribute the organization of the Mishnahs to Judah the Prince. The year of his birth is given as 132 or 135 A.D. A number of these Mishnahs organized by Judah the Prince address legal problems that arise from the practice of polygamy. That suggests that polygamy was very much alive in the centuries before and after the birth of Jesus.

That polygamy was an ordinary part of Jewish life is also suggested by Rev. Dr. Israel W. Slotki's Introduction to the Tractate Kethuboth. Rev. Dr. Slotki states this of Chapter X:

> CHAPTER X determines the priority of the claims to the recovery of their *kethubahs* and to exemption from oath of two or more wives who were married to the same husband, the relative rights of their respective heirs, and the legal position in the event of the surrender by one of the women of her claim to distrain on the buyer of her deceased husband's estate.

— Rev. Dr. Slotki (17)

(*Note: When excerpting quotations from the Talmud, we sometimes omit non-germane text and footnotes. Omission of text is indicated by an ellipsis (…). To see the full text and footnotes, follow the hot link at the end of the excerpt. It is our pleasure to make available on line a number of Talmud tractates, so that you can see the excerpt in full context. We indicate unprintable Hebrew characters, words, and phrases with the symbol* [H].)

This Mishnah addresses a man with two wives:

> ***MISHNAH***. IF A MAN WAS MARRIED TO TWO WIVES AND THEY DIED, AND SUBSEQUENTLY HE HIMSELF DIED, AND THE ORPHANS [OF ONE OF THE WIVES] CLAIM THEIR MOTHER'S KETHUBAH [BUT THE ESTATE OF THE DECEASED HUSBAND] IS ONLY ENOUGH [FOR THE SETTLEMENT OF THE] TWO KETHUBAHS [ALL THE ORPHANS] RECEIVE EQUAL SHARES.

— Babylonian Talmud, Tractate Kethuboth 91a
Soncino 1961 Edition page 582

This Mishnah addresses a man with three wives:

> ***MISHNAH***. IF A MAN WHO WAS MARRIED TO THREE WIVES DIED, AND THE KETHUBAH OF ONE WAS A MANEH, OF THE OTHER TWO HUNDRED ZUZ, AND OF THE THIRD THREE HUNDRED ZUZ AND THE ESTATE [WAS WORTH] ONLY ONE MANEH [THE SUM] IS DIVIDED EQUALLY.

— Babylonian Talmud, Tractate Kethuboth 93a
Soncino 1961 Edition page 590

This Mishnah addresses a man with four wives:

> ***MISHNAH***. IF A MAN WHO WAS MARRIED TO FOUR WIVES DIED, HIS FIRST WIFE TAKES PRECEDENCE OVER THE SECOND, THE SECOND TAKES PRECEDENCE OVER THE THIRD AND THE THIRD OVER THE FOURTH. …

— Babylonian Talmud, Tractate Kethuboth 93b
Soncino 1961 Edition page 595-595

Here the Sages discuss the justification for marrying multiple wives.

> ***MISHNAH.*** NEITHER SHALL HE MULTIPLY WIVES TO HIMSELF (4) — ONLY EIGHTEEN. R. JUDAH SAID: HE MAY HAVE MORE, PROVIDED THEY DO NOT TURN AWAY HIS HEART. R. SIMEON SAID: HE MUST NOT MARRY EVEN ONE WHO MAY TURN AWAY HIS HEART. WHY THEN IS IT WRITTEN, NEITHER SHALL HE MULTIPLY WIVES TO HIMSELF? (5) — EVEN THOUGH THEY BE WOMEN LIKE ABIGAIL. (6)

— Babylonian Talmud, Tractate Sanhedrin 21a
Soncino 1961 Edition, page 111

Soncino Rabbinical scholar and translator Jacob Shachter amplifies the text with footnotes:

> 811. Deut. XVII, 17.

812. Ibid. From which it might be inferred that he may marry a lesser number even if they should corrupt him.

813. I.e., even of the most virtuous, only eighteen are permitted, and not a single one who misleads is permitted. Abigail was the wife of Nabal the Carmelite. (I Sam. XXV, 3.) She is regarded in the Aggadah as one of the most remarkable women in Jewish history. V. Meg 15a.

— Jacob Shachter

Why Is Polygamy OK?

In the above cited Mishnah, Talmud scholar and translator Jacob Shachter tells us the Sages base their justification of polygamy on Deuteronomy 17:17. For full context, let us look at Deuteronomy 17:14-17.

814. When thou art come unto the land which the LORD thy God giveth thee, and shalt possess it, and shalt dwell therein, and shalt say, I will set a king over me, like as all the nations that are about me;

815. Thou shalt in any wise set him king over thee, whom the LORD thy God shall choose: one from among thy brethren shalt thou set king over thee: thou mayest not set a stranger over thee, which is not thy brother.

816. But he shall not multiply horses to himself, nor cause the people to return to Egypt, to the end that he should multiply horses: forasmuch as the LORD hath said unto you, Ye shall henceforth return no more that way.

817. Neither shall he multiply wives to himself, that his heart turn not away: neither shall he greatly multiply to himself silver and gold.

— Deuteronomy 17:14-17 (KJV)

We see that Deuteronomy 17:17 concerns limitation on the number of wives permitted to future kings of Israel. However, the Sages appear to understand Deuteronomy 17:17 as a rule for all men. They also understand it to *permit* rather than *prohibit* multiple wives.

What Is the Limit? 4, 12, 24, 48?

The Sages disagree about the number of wives permitted.

> ***GEMARA.*** … Rabina objected: Why not assume that *'kahennah'* implies twelve, and *'we-kahennah'*, twenty-four? It has indeed been taught likewise: 'He shall not multiply wives to himself beyond twenty-four.' And according to him who interprets the redundant *'waw'*, it ought to be forty-eight.

— Tractate Sanhedrin 21a
Soncino 1961 Edition, page 113

Levirate Marriages

> LEVIRATE MARRIAGE. The marriage between a man and the widow of his dead brother who has died childless. (V. HALIZAH).

— Soncino Talmud Glossary

In Jewish Law, if a husband dies, and he and his wife have had no children, the oldest brother of the dead man may take the widow as a wife, even if the brother is already married. The law is based on Deuteronomy 25:5-10

> 818. If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger: her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of an husband's brother unto her.
>
> 819. And it shall be, that the firstborn which she beareth shall succeed in the name of his brother which is dead, that his name be not put out of Israel.
>
> 820. And if the man like not to take his brother's wife, then let his brother's wife go up to the gate unto the elders, and say, My husband's brother refuseth to raise up unto his brother a name in Israel, he will not perform the duty of my husband's brother.
>
> 821. Then the elders of his city shall call him, and speak unto him: and if he stand to it, and say, I like not to take her;
>
> 822. Then shall his brother's wife come unto him in the presence of the elders, and loose his shoe from off his foot, and spit in his face, and shall answer and say, So shall it be done unto that man that will not build up his brother's house.
>
> 823. And his name shall be called in Israel, The house of him that hath his shoe loosed.

— Deuteronomy 25:5-10

Widow May Be Raped

There is a difference between Old Testament law and Talmud law on levirate marriages. Under Talmud law, the widow who does not want to take the brother as her husband may be raped, thereby effecting the marriage.

> ***GEMARA.*** … A YEBAMAH IS ACQUIRED BY INTERCOURSE. Whence do we know [that she is acquired by intercourse? — Scripture saith, [14a] *Her husband's brother shall go in unto her, and take her to him to wife*. Then perhaps she is like a wife in all respects? (6) — You may not think so. For it was taught: I might think that money or deed can complete her acquisition, just as intercourse

does; therefore it is written, *and perform the duty of an husband's brother unto her'*, (7) teaching, intercourse alone completes the acquisition of her, but money or deed does not complete the acquisition of her. Yet perhaps what is the purpose of *'and perform the duty of an husband's brother unto her'?* It is that he can taker her by force? (8) — If so, Scripture should have stated, *'and perform the duty of a husband's brother'*, (9) why [add] *'unto her'*? Hence both are learnt from it. (10)

— Babylonian Talmud, Tractate Kiddushin 13b-14a
Soncino 1961 Edition page 56

The translator, Rabbi Dr. H. Freedman, amplifies the text with footnotes:

824. To be acquired by money or deed too?

825. I.e., have intercourse with her. Ibid. This is really a repetition of the first part of the verse, and therefore emphasizes intercourse.

826. That being taught by the repetition.

827. This would have sufficed to emphasize intercourse alone as a means of acquisition.

828. *'Unto her'* implying even against her will.

— Rabbi Dr. Freedman

The doctrine is repeated in Tractate Yebamoth:

GEMARA. … Another [Baraitha] taught: *Her husband's brother shall go in unto her,* in the natural way; *and take her,* even though in an unnatural way; *and perform the duty of a husband's brother unto her*, only the cohabitation consummates her marriage, but neither money nor deed can consummate her marriage; *and perform the duty of a husband's brother unto her,* even against her will.

— Babylonian Talmud, Tractate Yebamoth 54a
Soncino 1961 Edition page 357

Laws of Yebamoth Regulate Levirate Marriages

An entire tractate of the Talmud, Tractate Yebamoth, consisting of 15 chapters, is devoted to regulating levirate marriages. Rev. Dr. Israel W. Slotki made this comment about levirate marriages in his Introduction to the Yebamoth; (*halizah* is the shoe ceremony described in Deuteronomy 25:9, cited above).

In practical life, however, both marriage and *halizah* bristle with difficulties and are hedged in by a complexity of problems.

— Rev. Dr. Slotki (11)

Rev. Dr. Slotki made further comment about the relationship between the various wives in a polygamous Jewish family. It was apparently bitter, and expected to be so. We have already seen the definition of *zarah*, co-wife. Talmud scholar Rev. Dr. Israel W. Slotki, in his translation of the Soncino Tractate Yebamoth, informs us that the word *zarah* means literally "rival" or "adversary," and is derived from "oppression." In his very first footnote, he tells us that the relationship between the wives was often bitter.

> Heb., *zarah*, [H] 'rival'. Where a husband has more than one wife, each woman is a *zarah* in relation to the other. The term is derived from [H] which signifies oppression, hence 'rival', 'adversary', as in I Sam. I, 6 (cf. Kimhi a.l.), or 'to tie up', 'to bind', hence 'associate', 'co-wife'.

— Rev. Dr. Slotki (12)

This translation of the Hebrew word *zarah* is confirmed by *The Wisconsin Jewish Chronicle* "Ask the Rabbi" columnist, David Fine, who is spiritual leader of Lake Park Synagogue in Milwaukee.

> Interestingly, the Hebrew word for co-wives is 'tzara' — enemies!

— David Fine (10)

The reader is referred to the Tractate Yebamoth to learn more about levirate marriages and other sexual laws and customs. We also include the Biblical account of the three-way relationship between Abraham, Sarah, and Hagar. See Appendix B: Polygamy and the Slave Hagar.

Levirate Marriages Do Not Explain Polygamy

When discussing polygamy, many rabbinical commentators focus on levirate marriages. However, as we can see in the above Mishnahs governing men with two, three, and four wives, and the argumentation about how many wives are permitted (up to 48?) levirate marriages did not wholly explain Jewish polygamy. It is not credible that a man could acquire 4, 18, 24, or perhaps even 48 wives by marrying the widows of his 4, 18, 24, or 48 brothers who died childless. Moreover, Tractate Kiddushin (not available at Come and Hear™) deals with the laws of betrothal. The Soncino translator, Rabbi Dr. H. Freedman, states of Chapter II:

> It treats … the simultaneous betrothal of more than one woman.

— Rabbi Dr. Freedman (19)

Clearly polygamy is not confined to levirate marriages.

Jewish Encyclopedia on History of Polygamy

In 1906, the *Jewish Encyclopedia* published a history of polygamy among the Hebrews and Jews. (4) After defining *polygamy*, the article states:

> While there is no evidence of a polyandrous state in primitive Jewish society, polygamy seems to have been a well-established institution, dating from the most ancient times and extending to modern days. The Law indeed regulated and limited this usage; and the prophets and the scribes looked upon it with disfavor. Still all had to recognize its existence, and not until late was it completely abolished. At no time, however, was it practiced so much among the Israelites as among other nations; and the tendency in Jewish social life was always toward MONOGAMY.

— Jewish Encyclopedia (4)

We have included some excerpts from that article describing the early days of Hebrew/Jewish polygamy in the Appendix A: *The Jewish Encyclopedia* on Polygamy. Notice the writers' apologetic tone. The text may still be available at the *Jewish Encyclopedia* website. (4)

Jewish Polygamy Is Banned in Middle Ages

In the following *Jewish Encyclopedia* excerpts, many of the citations in the original text have been omitted for easy readability.

> In the Middle Ages, Rabbi Gershom b. Judah (960-1028) convened a synod and urged Jews to give up polygamy …

— Jewish Encyclopedia (6)

> An express prohibition against polygamy was pronounced by R. Gershom b. Judah, "the Light of the Exile" (960-1028), which was soon accepted in all the communities of northern France and of Germany. The Jews of Spain and of Italy as well as those of the Orient continued to practise polygamy for a long period after that time, although the influence of the prohibition was felt even in those countries. Some authorities suggested that R. Gershom's decree was to be enforced for a time only, namely, up to … 1240 C.E. … probably believing that the Messiah would appear before that time; but this opinion was overruled by that of the majority of medieval Jewish rabbis. Even in the Orient monogamy soon became the rule and polygamy the exception; for only the wealthy could afford the luxury of many wives …
>
> The Jews of Spain practiced polygamy as late as the fourteenth century. The only requirement there was a special permit, for which a certain sum was probably paid into the kings treasury each time a Jew took an additional wife
>
> The Spanish Jews, as well as their brethren in Italy and in the Orient, soon gave up these practises; and today, although the Jews of the East live under Mohammedan rule, but few cases of polygamy are found among them.

— Jewish Encyclopedia (4)

Ban Due to Christian Opinion

The *Jewish Encyclopedia* gives the impression — but does not actually state — that polygamy was banned by Gershom b. Judah because Jews disapproved of the practice. However, another explanation has been offered. The Salt Lake Tribune, in an article entitled "Polygamy's Practice Stirs Debate in Israel," reports of polygamy:

> But the practice has been banned for Jews in Europe since the 11th century, when rabbinate leaders sought to ease tensions between Jews and their Christian neighbors, who considered polygamy barbaric.

— Salt Lake Tribune (8)

A contemporary Jewish proponent of polygamy, Emes L'Yaakov, author of *The Orthodox Jewish Pro Polygamy Page*, states that polygamy was practiced by Europeans but was eventually banned. He says that this is the source of European resentment against Jewish polygamy.

> Since the Christians were now banned from something that had been normal practice for many years, they resented the fact that the Jews could continue to have more than one wife. When goyim resent Jews, Jews get killed. Therefore to prevent massacres of the Jews, Rabbeinu Gershom banned polygamy.

— Emes L'Yaakov (3)

Jewish American Polygamy Circa 1906

Let's return to the *Jewish Encyclopedia*.

> In spite of the prohibition against polygamy and of the general acceptance thereof, the Jewish law still retains many provisions which apply only to a state which permits polygamy. The marriage of a married man is legally valid and needs the formality of a bill of divorce for its dissolution, while the marriage of a married woman is void and has no binding force …
>
> The Reform rabbis in conference assembled (Philadelphia, 1869) decided that "the marriage of a married man to a second woman can neither take place nor claim religious validity, just as little as the marriage of a married woman to another man, but, like this, is null and void from the beginning." Still, with the majority of Jews, this is not even an open question, and the marriage of a married man is considered just as valid as that of an unmarried man; it not only requires the formality of divorce in the case of separation, but also makes him subject to the laws of relationship; so that he can not afterward marry the wife's sister while the wife is living, nor can he or his near relatives, according to the laws of consanguinity, enter into matrimonial relations with any of her near relatives.

— Jewish Encyclopedia (4)

The article is authored by the Executive Committee of *The Jewish Encyclopedia*, and Julius H. Greenstone, a Philadelphia, Pa. rabbi.

In summary of the above, then, the *Jewish Encyclopedia* (published 1906) states:

829. Jewish law still permits polygamy,

830. In 1869, Reform Judaism in the US attempted to squash polygamy,

831. Despite the efforts, US Jews still think polygamy laws are valid,

832. US Jews believe the second marriage of an already married man is just as valid as the first marriage of an unmarried man.

Use First Wife for Babies, Second as Prostitute

Why might a man seek more than one wife? This question still holds interest. Rabbi Fine, of the *Jewish Chronicle*'s "Ask The Rabbi" page, suggests an answer:

> The first recorded polygamy is that of Lemekh (Genesis 4:19). Why did he do it? A midrash suggests he wanted one wife for procreation and another for sex; the first wife would bear children and then become a living widow because her husband would ignore her, and the second wife would sterilize herself and dress up like a prostitute (Genesis Rabbah 33:2).

— Rabbi Fine for *The Wisconsin Jewish Chronicle* (10)

Contemporary Polygamy

The Salt Lake City Tribune reports on polygamy in modern day Israel:

> Polygamy may be banned by the state constitution and abolished by the predominant religion, but it is still practiced by ultra-orthodox followers of the faith, some who want it made lawful to avoid sticky legal and moral questions.
>
> Sounds like Utah, but it's Israel.
>
> … But the push in Israel for legalized "polygyny," the alternative term for having more than one wife at one time, stems not from a shortage of marriage-age men, an abundance of single women or an upswing in demand for multiple brides. Anthropologist S. Zev Kalifon of Bar-Ilan University in Israel said the call by former Sephardi Chief Rabbi Ovadia Yoseph to legalize polygyny is part of a political movement to restore conservative traditions and lash out against popular notions of social equality.
>
> "They feel that the secular world which they met in Israel when they immigrated in the 1950s destroyed the patriarchal Sephardi family and its values," said Kalifon. "The ban on polygyny is seen as something modern, an expression of western or European values."

— Salt Lake Tribune (8)

Two Orthodox Jews Speak on Polygamy

Now let us return to Emes L'Yaakov's *Orthodox Jewish Pro Polygamy Page*. He gives us insight into a contemporary Orthodox Jew's view of polygamy:

> Christian commentators with a perverted perspective following in the Roman Catholic tradition have tremendous difficulty with Yaakov [Jacob] having four wives. This very point shows to what extent the Roman church is not a continuation of Jewish traditions, society and morality, but rather the continuation of Greek and Roman pagan traditions, society and morality …
>
> Rome and the church were our framework for one thousand nine hundred years. During that period, we defended ourselves as best we could. Among the defenses was to ban polygamy, something considered by G-d and his Torah to be moral, fine and normal … Polygamy was part of the founding of our people, and was part of Hashem's d-vine plan for us.
>
> … because of our exile in Europe, we picked up certain alien values. We somehow took polygamy, something practiced by our Patriarchs, by King David, etc. throughout our history, and associated [it] with gilui arayos, the depraved sexual practices which are practiced or condoned by the peoples surrounding us. We must divorce ourselves from this goyish attitude. Polygamy was part of the founding of our people, and was part of Hashem's d-vine plan for us.
>
> **Jewish Attitude To Polygamy:** But what about Yaakov's situation? What about more than one wife? The clear halacha is that both min haTorah (on a Torah level) and mid'rabbanan (through rabbinical legislation) a man can have as many wives as are willing to marry him (as long as he can support them). No one implies that this is less than moral nor in the least bit abnormal.

— Emes L'Yaakov (3)

It seems that Emes L'Yaakov is not trying to impress the Christian Right, and thus speaks his mind freely. Let us contrast this with the statements made by Rabbi Daniel Lapin, author of *America's Real War*. We have met Rabbi Lapin before, in America's New Government Church and Sex with Children by Talmud Rules; he presents himself as a an ally of the Christian Right, and he is a favorite speaker of organizations such as Concerned Women for America. In America's Real War, Rabbi Lapin argues against pluralism in America:

> We may all believe as we wish; however, translating our beliefs into the actions sometimes demanded by those beliefs may conflict with Judeo-Christian belief. When they do, it is the actions informed by Christian belief that will prevail.

— Rabbi Lapin (15)

Rabbi Lapin gives, as an example, the struggle of the Mormon state, Utah, to overcome objections to polygamy and gain entry into the Union in the late 1800s. While giving his readers the impression that he, as a rabbi, disapproves of polygamy and shares Christian disgust with it, he fails to mention Jewish polygamy laws and practices to his Christian readers.

Jewish/Mormon Cooperation?

It would be only natural and understandable if two powerful organizations with fundamental doctrinal interests in making polygamy legal in the US would join hands. Expect behind-the-scenes Mormon-Jewish cooperation in changing polygamy laws and the attitudes of Americans toward polygamy. The alliance may be particularly effective in light of America's Talmudization.

America Is Rapidly Becoming Talmudized

In 1991, the US Congress declared the Talmudic Noahide Laws to be the basis "upon which our great Nation was founded" (see America's New Government Church). Under Noahide Law regulations, idolaters (which includes Christians by definition) are put to death.

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (22) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
America's New Government Church: http://www.come-and-hear.com/editor/america_1.html
Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html
Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and http://www.come-and-hear.com/editor/cp-jw-01-08-03

Indeed, the paths of two stars in the Orthodox and Mormon communities have already crossed. The two stars are Dr. Laura Schlessinger, an Orthodox Jew and a member of a Chabad Lubavitch synagogue, and the former Mormon Congressional representative Matt Salmon (R-Arizona). When a psychology study allegedly promoting pederasty was published, Schlessinger condemned it on the airwaves, and Rep. Salmon condemned it in the House. When Salmon's resolution condemning the study passed unanimously on July 12, 1999, Dr. Laura told her listeners she had in Rep. Salmon a "major new hero." (5)

Mormons are reputed to have an interest in child brides. For the Jewish teachings on child brides, see Sex with Children by Talmud Rules and Talmud Daughters Become Talmud

Wives.

How close is Mormon-Jewish cooperation? The Jewish Week of June 6, 2003 reports that 300 Mormons — headed by a Mormon who traveled from Utah — cleaned up a neglected Jewish graveyard in Queens, NY. (23)

Expect New Voices

Now comes another voice to the polygamy debate, this one named TruthBearer.org. The founder of this group is not a Jew, but a self-proclaimed conservative Christian. This conservative Christian, though, does not want to follow in the footsteps of Jesus and the Christian saints — he wants to follow in the footsteps of Jacob, David, and Solomon. He wants to have lots of wives. If one can tell religion by surname, this is an odd one for a Christian — the founder of TruthBearer.org is named Mark Henkel. (16)

We can expect the Christian polygamists to demand social and legal changes.

Let us think about this carefully. Gentile laws make polygamy illegal in the United States, but Talmud law makes it permissible. Talmud law allows a man to divorce his wife at any time, for any reason (see And So a Talmud Marriage Ends). He may have to pay her a settlement, but in fact there are ways he can avoid making any payment. Jewish sexual law will bring about many changes in our society. Before we jump, we should look and ask: Is this the direction we want to go?

See also:

- Talmud Daughters Become Talmud Wives
- Really, *Really*, Kosher Sex
- Talmud Laws of Menstruation
- Sex with Children by Talmud Rules

Thank you for your consideration of the above,
Carol A. Valentine, Ear@Come-and-Hear.com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_4.html)

Endnotes:

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Appendix A: *The Jewish Encyclopedia* on Polygamy

The Jewish Encyclopedia's article on polygamy (4) appears in Volume X, which bears a publication date of 1906. While assuming a critical attitude to the practice, the Encyclopedia eventually concedes it is sanctioned by Jewish law, and then infers polygamy is still being practiced in the US. In the following excerpts, many of the citations in the original text have been omitted for easy readability. This text may still be available at the *Jewish Encyclopedia* website.

> That the ideal state of human society, in the mind of the primitive Israelite, was a monogamous one is clearly evinced by the fact that the first man (Adam) was given only one wife … Abraham had only one wife; and he was persuaded to marry his slave Hagar only at the urgent request of his wife, who deemed herself barren … Jacob married two sisters, because he was deceived by his father-in-law, Laban. He, too, married his wives' slaves at the request of his wives … among the Judges, however, polygamy was practised, as it was also among the rich and the nobility … Elkanah, the father of Samuel, had two wives, probably because the first (Hannah) was childless. The tribe of Issachar was noted for its practise of polygamy. Caleb had two concubines … David and Solomon had many wives, a custom which was probably followed by al the later kings of Judah and of Israel … Jehoiada gave to Joash two wives only &hellip
>
> The Mosaic law, while permitting polygamy, introduced many provisions which tended to confine it to narrower limits, and to lessen the abuse that might arise in connection with it. The Israelitish woman slave who was taken as a wife by the son of her master was entitled to all the rights of matrimony … even after he had taken another wife … one who lived in bigamy might now show his preference for the children of the more favored wife … The king should not "multiply wives" (Deut. xvii.17; Sanh. 21a, where the number is limited to 18, 24, or 48, according to the various interpretations given to II Sam. xii, 8); and the high priest is, according to the rabbinic interpretation of Lev. xxi.13, commanded to take one wife only (Yeb. 59a; comp. Yoma 2a).
>
> The same feeling against polygamy existed in later Talmudic times … Polygamy, was, however, sanctioned by Jewish law and gave rise to many rabbinical discussions. While one rabbi says that a man may take as many wives as he can support Raba, in Yeb. 65a), it was recommended that no one should marry more than four women (ib.44a) …

Appendix B: Polygamy and the Slave Hagar

In these Biblical passages are shown two incidents from the life of Abraham (known earlier as Abram) and his women. These incidents are reasonably predictable from the Jewish laws on marriage, polygamy, and slavery.

In the first passage, Abraham and his wife Sarai decide that Sarai's slave Hagar, should bear a child for Abraham. Hagar 's consent is not considered and not mentioned. After

Hagar becomes pregnant, Sarai and Hagar become polygamy rivals (*zarah*), and Sarai treats her cruelly. In desperation, Hagar escapes into the wilderness. She is saved from death by an angel.

Genesis 16:1-7 (KJV)

833. Now Sarai Abram's wife bare him no children: and she had an handmaid, an Egyptian, whose name was Hagar.

834. And Sarai said unto Abram, Behold now, the LORD hath restrained me from bearing: I pray thee, go in unto my maid; it may be that I may obtain children by her. And Abram hearkened to the voice of Sarai.

835. And Sarai Abram's wife took Hagar her maid the Egyptian, after Abram had dwelt ten years in the land of Canaan, and gave her to her husband Abram to be his wife.

836. And he went in unto Hagar, and she conceived: and when she saw that she had conceived, her mistress was despised in her eyes.

837. And Sarai said unto Abram, My wrong be upon thee: I have given my maid into thy bosom; and when she saw that she had conceived, I was despised in her eyes: the LORD judge between me and thee.

838. But Abram said unto Sarai, Behold, thy maid is in thine hand; do to her as it pleaseth thee. And when Sarai dealt hardly with her, she fled from her face.

839. And the angel of the LORD found her by a fountain of water in the wilderness, by the fountain in the way to Shur.

Later Sarai (Sarah) conceives a child. The second passage tells that, after children are born to both the free woman (Sarah) and the slave (Hagar), dissention arises again between the two, and Abraham intervenes. Abraham gives Hagar bread and water and drives her off into the wilderness with her infant son. Hagar has nowhere to go and fully expects to die. An angel assures Abraham that the child will survive; no guarantee is given for the woman.

Genesis 21:9-16 (KJV)

840. And Sarah saw the son of Hagar the Egyptian, which she had born unto Abraham, mocking.

841. Wherefore she said unto Abraham, Cast out this bondwoman and her son: for the son of this bondwoman shall not be heir with my son, even with Isaac.

842. And the thing was very grievous in Abraham's sight because of his son.

843. And God said unto Abraham, Let it not be grievous in thy sight because of the lad, and because of thy bondwoman; in all that Sarah hath said unto thee, hearken unto her voice; for in Isaac shall thy seed be called.

844. And also of the son of the bondwoman will I make a nation, because he is thy seed.

845. And Abraham rose up early in the morning, and took bread, and a bottle of water, and gave it unto Hagar, putting it on her shoulder, and the child, and sent her away: and she departed, and wandered in the wilderness of Beersheba.

846. And the water was spent in the bottle, and she cast the child under one of the shrubs.

847. And she went, and sat her down over against him a good way off, as it were a bow shot: for she said, Let me not see the death of the child. And she sat over against him, and lift up her voice, and wept.

Title: *Jewish Harems in Talmud Law*
URL: *http://antimatrix.org/Convert/Books/Talmud/editor/america_4.html*
Version: *February 16, 2004*

Footnotes: Full specifics for each of the printed sources are provided in the Bibliography. Outside URLs were valid at the time this article was written. However, be mindful that URLs do change.

848. *Babylonian Talmud*, "Foreword: Marriage, Divorce, and the Position of Woman, in Judaism" by The Very Rev. The Chief Rabbi Dr J. H. Hertz, Seder Nashim Vol. I, page xvii available in Come and Hear™ hypertext at http://www.come-and-hear.com/talmud/nashim_h.html#xvii

849. *Rabbi Eliyahu of Vilna - The Vilna Gaon*, http://members.aol.com/lazera/VilnaGaon.htm

850. *The Orthodox Jewish Pro Polygamy Page,* http://www.polygamy.com/Jewish/The-Orthodox-Jewish.htm cached at http://www.come-and-hear.com/editor/polygamy-orthodox/index.html

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854. "Prosecuting Polygamy," *The Salt Lake Tribune* quoted in *The Columbia Journalism Review,* April 2000, http://www.cjr.org/year/02/4/polygamy.asp

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857. Rabbi David Fine is the spiritual leader of Lake Park Synagogue in Milwaukee, Wisconsin. "Ask a Rabbi," *The Jewish Chronicle*: http://www.jewishchronicle.org/issues/current/askrabbi.htm cached at http://www.come-and-hear.com/editor/polygamy-fine

858. *Babylonian Talmud*, "Introduction," Tractate Yebamoth, page xli, available in Come and Hear™ hypertext at http://www.come-and-hear.com/yebamoth/index.html#page_xli

859. *Babylonian Talmud*, Yebamoth 2a, page 1, footnote 1, available in Come and Hear™ hypertext at http://www.come-and-hear.com/yebamoth/yebamoth_2.html#2a_1

860. *Babylonian Talmud*, "Foreword by the Very Rev. the Chief Rabbi," Tractate Nashim, page xvii available in Come and Hear™ hypertext at http://www.come-and-hear.com/talmud/nashim_h.html#xvii

861. In the United States, cohabitation means only "living together" or "living together in an assumed sexual relationship outside marriage." In the Soncino, the word seems to be used to denote sexual intercourse

862. *America's Real War*, page 111

863. "Jesus loves polygamy, this I know", *Las Vegas Weekly* http://www.lasvegasweekly.com/2001_2/11_22/news_upfront1.html cached at http://www.come-and-hear.com/editor/polygamy-henkel

864. *Babylonian Talmud*, "Introduction," Tractate Kethuboth, page xiv-xv available in Come and Hear™ hypertext at http://www.come-and-hear.com/kethuboth/index.html#xiv

865. *Babylonian Talmud*, "Foreword by the Very Rev. the Chief Rabbi," General Index Volume, page xi, available in Come and Hear™ hypertext at http://www.come-and-hear.com/talmud/tindex_b.html

866. *Babylonian Talmud,* "Introduction," Tractate Kiddushin, page vi (not available in Come and Hear™ hypertext)

867. *The Jewish Religion: Its Influence Today*, pages 24-25, available in Come and Hear™ hypertext at http://www.come-and-hear.com/dilling/chapt05.html#Polygamy

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870. "Weeding Out An Eyesore," *The Jewish Week*, 06/06/2003 http://www.thejewishweek.com/news/newscontent.php3?artid=8042 cached at http://www.come-and-hear.com/editor/na-jw-06-06-03

871. "Banning polygamy embodies original intent for marriage,"

872. Jews often call the Talmud "the Torah." According to many Rabbinical experts, the Talmud is the Word of God, the basic book of Jewish law, and the foundation of Jewish culture. See What Come-and-Hear™ Is About, Critical Words of Talmud Study, and More Critical Words of Talmud Study at http://www.come-and-hear.com/editor/about.html http://www.come-and-hear.com/editor/critwords_1.html and http://www.come-and-hear.com/editor/critwords_2.html respectively.

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NEXT: New America 5: *Really, Really Kosher Sex*

Rabbi Shmuley Boteach, Orthodox Hasidic, and author of *Kosher Sex: A Recipe for Passion and Intimacy*. On page **69**, Rabbi Boteach recommends the Christian missionary position!

"Jewish sensual laws revolve around a constant attempt to promote and sustain emotional intimacy of married couples through physical intimacy. We can immediately and intuitively appreciate how the missionary position leads to this closeness and familiarity. In no other sexual position do we see a meeting of the mouths accompanied by a full integration of all the limbs. Not only are husband and wife locked together in the genital region, but they coalesce in their totality so that even in appearance they become as one. The missionary position allows us to experience something that is quintessentially human." — Rabbi Boteach (2)

Wherein does Rabbi Boteach's advice differ from that of your local parish priest?

"Sex is the holiest human experience, the highest form of knowledge." — Shmuley Boteach, *Judaism for Everyone* (dust jacket)

"He talks brilliantly, nine times faster than is quite normal … he puffs on a giant cigar as secretaries run in and out with messages from newspapers around the world." — The Evening Standard (19)

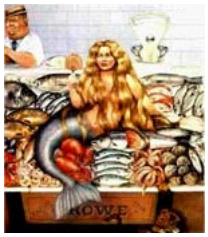
"The rabbis made female orgasm an obligation incumbent on every Jewish husband. No man was allowed to use a woman merely for his own gratification." — Rabbi Boteach (1)

Do YOU know the difference between Mishnah and Gemara?

In any field of study, the internal logic of the subject and the terms — the nomenclature — are of utmost importance. This is true of the Talmud, too. Critical Words of Talmud Study is a must read. Let the rabbis educate you.

Fish?

... a man may do whatever he pleases with his wife [at intercourse]: A parable; Meat which comes from the abattoir, may be eaten salted, roasted, cooked or seethed; so with fish from the fishmonger. — Nedarim 20b



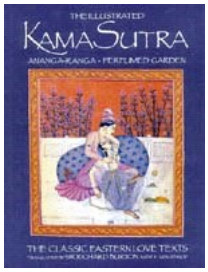
Wherein does it differ?

Using a gentle euphemism for anal intercourse, the Talmud Sages relate that:

A woman once came before Rabbi and said, 'Rabbi! I set a table before my husband, but he overturned it.' Rabbi replied: 'My daughter! the Torah hath permitted thee to him — what then can I do for thee?'

A woman once came before Rab and complained. 'Rabbi! I set a table before my husband, but he overturned it.' Rab replied; Wherein does it differ from a fish? — Nedarim 20b

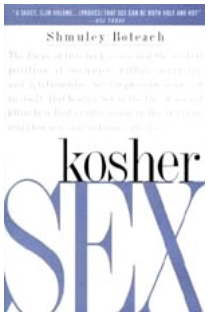
See above for an explanation of the rabbi's remark.



Ancient Classic

"Sexual frankness without a hint of guilt or prurience is the great legacy which the Eastern, and in particular Indian, traditions have given us. As an expression of human culture, and as a pillow book for the modern boudoir, the Kama Sutra of Vatsyayana the most famous work on sex ever written the Ananga-Ranga of Kalyana Malla, and Sheikh Nefzai's Perfumed Garden, set forth the principles of sensual pleasure with poetry, wisdom, and humor, celebrating love as an ecstatic expression of life's beauty." — publisher's editorial review

Move over Kama Sutra, here comes the Talmud.



Rabbi Shmuley Boteach is author of *Kosher Sex*.

"*Kosher Sex* will change how you view discuss, and approach sex. With humor, sensitivity, respect, and honesty, Rabbi Boteach touches on all the modern questions concerning this eternally interesting topic." — Kosher Sex dust jacket.

Rabbi Dr. Isidore Epstein, editor of the Soncino Talmud, writes:

"Whilst prizing chastity above all other virtues, they refused to ascribe anything degrading to the marital union *per se.* Prenuptial connections, whether in the case of men or women, they did truly condemn. Not only was harlotry prohibited by them on the basis of Biblical commands (Lev. XIX, 29, and Deut. XXIII, 18), but they even went so far as to forbid the private association of sexes. Yet the regulated sexual relations between husband and wife were raised to the dignity of a positive command. Thus it is the unmarried man who was said by them to live in unchastity — at least in the inescapable unchastity of thought if not of action; whereas the married man alone could live in purity. No wonder that they regarded marriage as a holy state, entrance into which carried with it forgiveness of sins. For this reason they encouraged early marriage, declaring eighteen to be the ideal age, although realists as they were, they insisted on a man being in a position to provide for a wife before venturing into matrimony." — Rabbi Dr. Epstein (4)

The late Dr. Joseph Herman Hertz, the Very Reverend the Chief Rabbi of the British

Empire, writes:

"A conclusive proof of woman's dominating place in Jewish life is the undeniable fact, that the hallowing of the Jewish home was her work; and that the laws of chastity were observed in that home, both by men and women, with a scrupulousness that has hardly ever been equalled. The Sages duly recognized her wonderful spiritual influence, and nothing could surpass the delicacy with which respect for her is inculcated: 'Love thy wife as thyself, and honour her more than thyself. Be careful not to cause woman to weep, for God counts her tears. Israel was redeemed from Egypt on account of the virtue of its women. He who weds a good woman, it is as if he had fulfilled all the precepts of the Torah' (Talmud)." — Rabbi Dr. Hertz (5)

Talmudic Discussion by Mark Gertler (12)

"Long ago, well before Christianity enacted legislation forbidding its clerics from marrying or having sex, the ancient rabbis were giving explicit sexual advice to married men and women as to how they could enjoy pleasurable yet holy intimate relations." — Rabbi Boteach (1)

Nevertheless, Rabbi Boteach's efforts to enliven America's married sex life seem doomed to failure. The Sages of the Talmud do not foresee a bright future for legitimate sexual relations:

Rab Judah said in Rab's name: A man once conceived a passion for a certain woman, and his heart was consumed by his burning desire [his life being endangered thereby]. When the doctors were consulted, they said, 'His only cure is that she shall submit.' Thereupon the Sages said: 'Let him die rather than that she should yield.' Then [said the doctors]; 'let her stand nude before him;' [they answered] 'sooner let him die'. 'Then', said the doctors, 'let her converse with him from behind a fence'. 'Let him die,' the Sages replied 'rather than she should converse with him from behind a fence.' ... Then why not marry her? — Marriage would not assuage his passion, even as R. Isaac said: Since the destruction of the Temple, sexual pleasure has been taken [from those who practise it lawfully] and given to sinners, as it is written, Stolen waters are sweet, and bread eaten in secret is pleasant. — Sanhedrin 75a

(Quoting Proverbs 9:17)

Animals such as these — not these in particular of course, but possibly their relatives — sometimes enticed Jews to commit unnatural acts with them. Perhaps as a lesson to others in the herd not to follow their example, or perhaps to save other men from being enticed to crime — the beast was stoned. At least, sometimes it was considered a crime under certain circumstances, and some of the ancient Sages considered it always a crime — at least for men, if not for women — if there were two witnesses and both warned the sodomite before his/her act.

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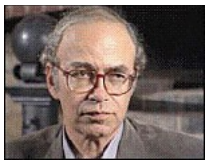

Dr. Peter Singer, who is Jewish ("My mother and father, who were also Jewish of course …"(9)), is Professor of Ethics in the Center of Human Values at Princeton University. In 2001, he published a review of a book on the subject of bestiality. (10) In that review (published by Nerve.com), he calls bestiality "the last taboo." Since that time, controversy has swirled around Singer's *real position* on a number of issues. Perhaps Singer's readers are confused by his use of the words "the last taboo." The word "taboo" was used by the Jewish Dr. Sigmund Freud and his successors to indicate a superstitious prohibition that should be abolished. Singer's words have been broadly interpreted as a personal endorsement of human sex with animals. Animal rights activists also worry about Singer's position on consensual sexual relations between man and beast: Can an animal really give consent? Curiously, Professor Singer has allowed the controversy about his real intent to continue, even though he could easily speak out to clarify his stance.

A partner in consensual sex?

Raba said: The Torah ordered that the animal should be destroyed, because it too derived pleasure from sin. (Sanhedrin 55a)

The beast, like the man, was tried by a court of 23, and if found guilty, stoned. (Sanhedrin 2a)

It Once Happened …

When R. Dimi came he related: It once happened at Haitalu that while a young woman was sweeping the floor a village dog covered her from the rear, and Rabbi permitted her to marry a priest. Samuel said: Even a High Priest. But was there a High Priest in the days of Rabbi? — Rather, [Samuel meant]: Fit for a High Priest. — Tractate Yebamoth 59b

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protect him from harmful programs and viruses.

Single White Female?

Recalling the Madison Avenue dictum that "Sex Sells," a prominent rabbi hopes to use sex as a selling point for Judaism. Certainly, none of us would refuse richer and more fulfilling sexual expression in our lives. Let's see what the Judaism has to offer.

Rabbi Shmuley Boteach, author of *Kosher Sex: A Recipe for Passion and Intimacy*, presents Jewish sex as far superior to the sex of other denominations. Jewish sex is a new dawn on the Sexual Frontier.

> Long ago, well before Christianity enacted legislation forbidding its clerics from marrying or having sex, the ancient rabbis were giving explicit sexual advice to married men and women as to how they could enjoy pleasurable yet holy intimate relations. The rabbis made female orgasm an obligation incumbent on every Jewish husband. No man was allowed to use a woman merely for his own gratification.

— Rabbi Shmuley Boteach (1)

As we consider what Rabbi Boteach has to say, we will see him contradict the teachings of the Talmud. Is Rabbi Boteach misrepresenting Judaism? Before coming to a conclusion, recall that in Judaism, the definition of key terms can vary with the context and the speaker, and sometimes with the speaker's intent (see Critical Words of Talmud Study).

Judaism's Elastic Terms

Moreover, definitions are extremely elastic. According to the Glossary of the Soncino Talmud, "Torah" can denote "(a) the Pentateuch (Written Law); (b) the Mishnah (Oral Law); (c) the whole body of Jewish religious literature." (13) The Very Reverend the Chief Rabbi of the British Empire the late Dr. Joseph H. Hertz writes that the Torah is constantly evolving:

> … the revelation, the real Torah, was the *meaning* of that Written Text, the Divine thought therein disclosed, as unfolded in ever greater richness of detail by successive generations of devoted teachers.

— Rabbi Dr. Hertz (14)

So *Torah* is not just Scripture, it's also the interpretation of Scripture, and the interpretation of interpretations. In the extensive definition, *Torah* is the entire body of

Jewish religious literature, and Jewish religious literature is whatever the rabbis accept as such. It is an ever-expanding library that may, and does, contain contradictory teachings. (20)

In consequence, a popularizer like Rabbi Boteach is free to choose whichever teaching suits his target audience, and represent it as the doctrine of Judaism. (16)

But since the Talmud, according to so many experts, is the Word of God, the basic book of Jewish law and the foundation of Jewish culture, we will compare Rabbi Boteach's representations with the words of the Talmud. The US Supreme Court takes the Talmud Sages seriously enough to accept a brief based wholly on Talmud law. (15) We, too, take the Talmud Sages seriously.

(*Note: In upcoming Talmud excerpts, we sometimes omit non-germane text and footnotes. Omission of text is indicated by an ellipsis (...). To see the full text and footnotes, follow the hot link at the end of the excerpt. It is our pleasure to make available on line a number of Talmud tractates, so that you can see the excerpt in full context. We indicate unprintable Hebrew characters, words, and phrases with the symbol* [H].)

Wherein Does It Differ from Fish?

The Talmud does not support Rabbi Boteach's assertion that the Jewish husband is obligated to give his wife pleasure. For example, Tractate Nedarim 20b describes a situation that arises in two marriages: the husbands insist on anal intercourse but the wives object. Using the euphemism "overturned table" to signify anal intercourse, both wives seek rulings from the rabbis. The principle cited in the rabbinical ruling is given first.

> ***GEMARA***. … a man may do whatever he pleases with his wife [at intercourse]: A parable; Meat which comes from the abattoir may be eaten salted, roasted, cooked or seethed; so with fish from the fishmonger. (4) …
>
> A woman once came before Rabbi and said, 'Rabbi! I set a table before my husband, but he overturned it.' Rabbi replied: 'My daughter! the Torah hath permitted thee to him — what then can I do for thee?' A woman once came before Rab and complained. 'Rabbi! I set a table before my husband, but he overturned it.' Rab replied; Wherein does it differ from a fish? (6)

— Babylonian Talmud, Tractate Nedarim 20b
Soncino 1961 Edition, page 58

Rabbi Dr. H. Freedman comments on the text in the footnotes; though Rabbi Dr. Freedman asserts mutual pleasure is the goal, clearly the rabbis have ruled in favor of the exclusive pleasure of the husband:

> [This parable serves to express the absence of reserve that may characterise the mutual and intimate relationship of husband and wife without

offending the laws of chastity.]
…

V. supra.

— Rabbi Dr. Freedman

The expression "overturned the table" is defined on the previous page of the Soncino Talmud:

> ***GEMARA***. … R. Johanan b. Dahabai said: The Ministering Angels told me four things: People are born lame because they [sc. their parents] overturned their table [i.e., practised unnatural cohabitation]; dumb, because they kiss 'that place'; deaf, because they converse during cohabitation; blind, because they look at 'that place'.

— Babylonian Talmud, Tractate Nedarim 20a
Soncino 1961 Edition, page 57

Returning to the tales of the unhappy wives: Despite the women's objections, both rabbis rule that a woman must accommodate her husband in his demands. This does not support Rabbi Boteach's statement, "No man was allowed to use a woman merely for his own gratification."

Consider the warning of the Ministering Angels (quoted in the above Gemara): Husbands and wives should not converse during intercourse; they should not kiss "that place"; they should not look at "that place." But what is "that place?" The Sages do not specify.

The Talmud's Ministering Angels are beginning to sound like prudes, putting many boundaries on Rabbi Boteach's "pleasurable yet holy intimate relations."

She Screams in Pain

It was apparently not unusual for a woman to scream during intercourse in the days of the Sages, and the Sages addressed the phenomenon of "the screamer" in the Talmud. In the following Mishnah, the Sages are laying down the rules for women who may be divorced without receiving their *kethuboth* (one-time financial settlement). We have omitted non-germane text (…) and the footnotes. To see the footnotes and the text in its entirety, follow the link at the end of the cite.

> ***MISHNAH***. … R. TARFON SAID: ALSO ONE WHO SCREAMS. AND WHO IS REGARDED A SCREAMER? A WOMAN WHOSE VOICE CAN BE HEARD BY HER NEIGHBOURS WHEN SHE SPEAKS INSIDE HER HOUSE.

— Babylonian Talmud, Kethuboth 72a
Soncino 1961 Edition, page 449

The Gemara explains that the wife screams during intercourse, and this should be regarded as a defect.

> ***GEMARA***. … R. TARFON SAID: ALSO ONE WHO SCREAMS. What is meant by a screamer? — Rab Judah replied in the name of Samuel: One who speaks aloud (10) on marital matters. In a Baraitha it was taught: [By screams was meant a wife] whose voice (11) during her intercourse in one court can be heard in another court. But should not this, then, (12) have been taught in the Mishnah (13) among defects? (14) — Clearly we must revert to the original explanation. (15)

— Babylonian Talmud, Tractate Kethuboth 72b
Soncino 1961 Edition, page 453

Rev. Dr. Israel W. Slotki amplifies the above Gemara in the following footnotes. He tells us that the screams during intercourse that concern the Sages were not screams of pleasure — they were screams of pain.

> Lit., 'makes her voice heard'.
>
> Her screams of pain caused by the copulation.
>
> Since her screaming is due to a bodily defect.
>
> Infra 77a.
>
> Of course it should. Such a case in our Mishnah is out of place.
>
> That given in the name of Samuel.

— Rev. Dr. Slotki

The rabbis (according to Rev. Dr. Slotki) assume "her screaming is due to a bodily defect." We are to believe, then, that a significant number of the daughters of Israel had a genital condition (classed as a "defect"), and experienced pain during intercourse. It is also possible that husbands followed rabbinical rulings, used their wives for anal intercourse, and didn't bother with lubricants. After all, anything that "may be eaten salted, roasted, cooked or seethed" does not have to be accommodated. For additional discussion of "the screamer," see And So a Talmud Marriage Ends.

Does it sound as though "The rabbis made female orgasm an obligation incumbent on every Jewish husband" as Rabbi Boteach says?

Rabbis Set the Schedule

Lets consider some more words from Rabbi Boteach:

> Rather than offering prescriptive rules about sex and marriage, Judaism offers guidelines, or what might be called *erotic channels of communication*, designed not to circumscribe our sexual routine, but to focus it and make it potent, so that sex becomes passionate and effective in conjuring up long-term emotions and commitment.

— Rabbi Boteach (1)

Rabbi Boteach offers this characterization without footnotes or references to Jewish Scriptures. (21) However, we did find this in the Talmud:

> ***MISHNAH***. … THE TIMES FOR CONJUGAL DUTY PRESCRIBED IN THE TORAH ARE: FOR MEN OF INDEPENDENCE, EVERY DAY; FOR LABOURERS, TWICE A WEEK; FOR ASS-DRIVERS, ONCE A WEEK; FOR CAMEL-DRIVERS, ONCE IN THIRTY DAYS; FOR SAILORS, ONCE IN SIX MONTHS. THESE ARE THE RULINGS OF R. ELIEZER.

— Babylonian Talmud, Tractate Kethuboth 61b
Soncino 1961 Edition, page 369

If the above Mishnah is not a prescription, what is it? It sounds as though "the erotic channels of communication" are subject to wartime rations. Of course, we no longer have ass-drivers or camel-drivers in the Western world, but what conjugal schedule will contemporary rabbis prescribe for computer programmers, clarinet players, and Secretaries of Defense?

The Kethuboth 61b schedule does not tell the whole story, however. For approximately two weeks of each month — regardless of the husband's occupation — a husband and wife are forbidden to have sexual relations at all (see Talmud Laws of Menstruation [17]).

Testing Rags

To safeguard against accidentally having marital relations during the prohibited menstrual period (see Talmud Laws of Menstruation [17]), the virtuous daughter of Israel inserts testing rags into her vagina immediately before and after intercourse to discover any menstrual discharge. (17) It stands to reason that these rags absorb some of the vagina's natural lubricating fluids. Perhaps the procedure contributed to the pain of the "screamer" during intercourse?

Do It in the Dark

Rabbi Boteach is right. "Well before Christianity enacted legislation forbidding its clerics from marrying or having sex, the ancient rabbis were giving explicit sexual advice to married men and women …" And what was that explicit sexual advice? *Do it in the dark*.

> ***GEMARA***. … But according to your argument does intercourse take place at night and not in the day time? Surely Raba stated: If one was in a dark room [intercourse] is permitted!

— Babylonian Talmud, Tractate Kethuboth 56a
Soncino 1961 Edition, page 329

> ***GEMARA***. … Did not R. Huna state, The Israelites are holy and do not have intercourse in the day-time'? — But, Surely, Raba stated: It is permitted in a dark

room.

— Babylonian Talmud, Tractate Kethuboth 65b
Soncino 1961 Edition, page 397

See also Shabbath 86a, Soncino 1961 Edition, page 409 for the similar statement.

> ***GEMARA***. … R. Huna said, Israel are holy and do not perform their marital duties in the day-time. Raba said, But in a dark house this is permitted; and a scholar may darken a room with his cloak and perform his marital duty. [But] we have learnt, OR SHE MUST PERFORM IT IN THE LIGHT OF A LAMP? — Read: SHE MUST examine IT IN THE LIGHT OF A LAMP.
>
> Come and hear: Although [the Sages] have said, He who has intercourse in the light of a lamp is loathsome [etc.]? — Read: He who examines his bed in the light of a lamp is loathsome.

— Babylonian Talmud, Tractate Niddah 17a
Soncino 1961 Edition, page 114

The reasons for this advice are not flattering to the wife. If you see your wife in the act of love, you may come to loath her, say the Sages.

> ***GEMARA***. … R. Hisda ruled: A man is forbidden to perform his marital duty in the day-time, for it is said, But thou shalt love thy neighbour as thyself. But what is the proof? — Abaye replied: He might observe something repulsive in her and she would thereby become loathsome to him.

— Babylonian Talmud, Tractate Niddah 17a
Soncino 1961 Edition, page 114

Apply the same logic next time you go to a restaurant: To avoid seeing something that might kill your appetite, wear a blindfold at the table. Seriously. Drop us a line and let us know how it works out.

Contraception

In this discussion, the ruling opinion of the Sages is that contraception is forbidden. R. Meir disagrees, and opines that three categories of women to use "absorbents." Footnotes omitted; to see them follow the link below.

> ***GEMARA***. … Three [categories of] women may use an absorbent in their marital intercourse: A minor, a pregnant woman and a nursing woman. The minor, because [otherwise] she might become pregnant, and as a result might die. A pregnant woman, because [otherwise] she might cause her foetus to degenerate into a sandal. A nursing woman, because [otherwise] she might have to wean her child prematurely and this would result in his death. And what is the age of such a

> minor? From the age of eleven years and one day until the age of twelve years and one day. One who is under, or over this age must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from heaven, for it is said in the Scriptures *The Lord preserveth the simple*.

— Babylonian Talmud, Tractate Yebamoth 12b
Soncino 1961 Edition, page 62

Thus R. Meir is voted down. No one may use contraception, ever, and the woman must carry on her sexual duties, even if pregnancy would endanger her life. Notice that the Sages do not dispute the effects of pregnancy on the women under discussion: Danger of death in childbirth when the mother is so young; injury to the fetus being carried by the mother, and death of the child being nursed by the mother.

The word of the Sages is settled law. The same proscription against contraception, almost world for word, can be found in Kethuboth, 39a

This doctrine forms an interesting contrast with that of the Catholic Church. The Church allows a woman to abstain from intercourse during her most fertile time of the month. The rabbis, however, enforce abstinence on a wife during the least fertile part of her menstrual cycle (see Talmud Laws of Menstruation), and require her to have regular intercourse otherwise.

What will the anti-contraception doctrine mean for America when Talmud law fully supplants Gentile law? We are eagerly waiting to find out.

America Is Rapidly Becoming Talmudized

In 1991, the US Congress declared the Talmudic Noahide Laws to be the basis "upon which our great Nation was founded" (see America's New Government Church). Under Noahide Law regulations, idolaters (which includes Christians by definition) are put to death.

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (6) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
America's New Government Church: http://www.come-and-hear.com/editor/america_1.html

Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html
Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and http://www.come-and-hear.com/editor/cp-jw-01-08-03

More Sexual Do's and Don'ts

Rabbi Boteach told us earlier, "Well before Christianity enacted legislation forbidding its clerics from marrying or having sex, the ancient rabbis were giving explicit sexual advice to married men and women as to how they could enjoy pleasurable yet holy intimate relations." Let us seek out more of their advice from the Talmud.

> ***GEMARA***. … Rabbah b. Bar Huna said: If a man immediately on returning from a journey has marital intercourse, his children will be weaklings. The Rabbis taught: On coming from a privy a man should not have sexual intercourse till he has waited long enough to walk half a *mil*, because the demon of the privy is with him for that time; if he does, his children will be epileptic. The Rabbis taught: If a man has sexual intercourse standing, he will be liable to convulsions; if sitting, to spasms; if she is above and he below, he will be subject to *delaria* [diarrhoea].

— Babylonian Talmud, Tractate Gittin 70a
Soncino 1961 Edition, page 333

> ***GEMARA***. … Three things enfeeble a man's body, namely, to eat standing, to drink standing, and to have marital intercourse standing.
>
> Five are nearer to death than to life, namely, one who eats and rises immediately, or who drinks and rises immediately, or who lets blood and rises immediately, or who rises immediately on waking or after marital intercourse.
>
> If one does the following six things [together], he will die immediately: if he comes weary from a journey, lets blood and has a bath and drinks himself drunk and lies down to sleep on the floor and has marital intercourse. R. Johanan said: That is, if he does them in this order; Abaye said: If he does them in this order he will die; if not in this order he will fall ill. Is that so? Did not [a certain] Me'orath do three of these things to her slave and he died? — He was a weakling.

— Babylonian Talmud, Tractate Gittin 70a
Soncino 1961 Edition, page 334

Here's a passage full of advice. It, like the others, gives us insight into the folkways of Talmudic society. Among the advice: A wife should not demand her conjugal rights, and a man should avoid having intercourse with one wife while thinking of another wife — he may, however, think of a woman who is not his wife.

> ***GEMARA***. … *And that ye seek not after your own heart*. (7) [Deducing] from this Rabbi taught: One may not drink out of one goblet and think of another. (8) Rabina said: This is necessary only when both are his wives.

And I will purge out from among you the rebels, and them that transgress against me. (1) R. Levi said: This refers to children belonging to the following nine categories: children of fear, (2) of outrage, of a hated wife, one under a ban, (3) of a woman mistaken for another, (4) of strife, (5) of intoxication [during intercourse], of a mentally divorced wife, (6) of promiscuity, and of a brazen woman. (7) But that is not so: for did not R. Samuel b. Nahmani say in the name of R. Jonathan: One who is summoned to his marital duty by his wife will beget children such as were not to be found even in the generation of Moses? For it is said, *Take you wise men, and understanding [and known among your tribes, and I will make them rulers over you]*; (8) and it is written, *So I took the chiefs of your tribes, wise men and known* (9) but 'understanding' is not mentioned. (10) But it is also written, Issachar is a large-boned ass; (11) whilst elsewhere it is written, And of the children of Issachar, which were men that had understanding of the titles? (12) — [It is virtuous] only when the wife ingratiates herself [with her husband]. (13)

— Babylonian Talmud, Tractate Nedarim 20b
Soncino 1961 Edition, pages 58-59

Rabbi Dr. H. Freedman amplifies the text with footnotes:

Num. XV, 39.

Whilst cohabiting with one woman to think of another.

Ezek. XX, 38.

When a husband imposes himself upon his wife by force; Asheri reads: children of a maidservant ([H] instead of [H]); v. MGWJ 1934 p. 136. n. 1.

A person under a ban was forbidden to cohabit.

Having intended to cohabit with one of his wives, he cohabited with another.

Not a hated wife, but one with whom he had just then quarrelled.

I.e., when her husband has decided to divorce her.

One who openly demands her conjugal rights.

Deut. I. 13.

Ibid. I, 15.

The Heb. [H] is here taken to denote the highest degree of wisdom - but such could not be found.

Gen. XLIX, 14; cf. Gen. XXX. 16-18. The allusion is to the legend that Leah heard the braying of Jacob's ass, and so came out of the tent and said to Jacob, thou must come in unto me. She had thus demanded her conjugal

rights.

I Chron. XII. 33; though such men were not to be found in the days of Moses. This was Leah's reward, thus proving that it is meritorious for a woman to demand her rights.

She may shew her desires, as did Leah, who merely invited Jacob into her tent, but not explicitly demand their gratification.

— Rabbi Dr. Freedman

The First Night

If a bridegroom does not perform the marital act on the first night following the wedding, he may fall into a delicate mental and emotional state, and is therefore is excused from saying his prayers (the *Shema'*). *In the following, footnotes have been omitted, and the ellipses indicate omission of non-germane text. To see the footnotes and the text in its entirety, follow the link at the end of the cite.*

GEMARA. … R. Joseph objected: A bridegroom is free from the reading of *Shema'* in the first night until the night following the Sabbath, if he has not performed [yet] an act. Is it not because he is anxious to perform the marital act? — Said Abaye to him: No; he is anxious because he has not had intercourse …

… But, said Raba, this is a dispute of Tannaim, for one [Baraitha] teaches: If he did not do an act [of coition] in the first [night], he is free [from reading *Shema'*] also in the second [night]; in the second [night], he is free [from reading *Shema'*] also in the third [night]. And another [Baraitha] teaches: [In] the first and second [night] he is free, [but in] the third [night] he is obliged [to read *Shema'*]. And Abaye [holds that] there also [they] differ with regard to anxiety. And these Tannaim [are] like those Tannaim, for it has been taught [in a Baraitha]: He who marries a maiden shall not perform the first intercourse on Sabbath, and the Sages allow [it].

— Babylonian Talmud, Tractate Kethuboth 6b
Soncino 1961 Edition, pages 22-23

A discussion ensues on whether the groom should perform the first marital act on the Sabbath. The answer depends on the intentions of the groom. If he intends improvement of his wife's anatomy by tearing her hymen, Sabbath intercourse is forbidden because it is defined as work. If he intends to "make an opening," that falls under the category of "building" and is prohibited. If his intention is to damage or wound his new bride, however, Sabbath intercourse is permitted because wounding and destructive acts are permitted on the Sabbath. The reasoning is extremely close, but the operant phrase appears at the end: "does he do damage in regard to the opening, or does he improve in regard to the opening?"

GEMARA. … The question was asked: Is it allowed (15) to perform the first

marital act on Sabbath? (16) Is the blood [in the womb] stored up, (17) or is it the result of a wound? (18) And if you will say (19) [that] the blood is stored up [in the womb, then the question arises:] is he concerned about the blood, (20) and it is allowed: or is he concerned with the opening, (1) and it is forbidden? (2) And if you will say [that] he is concerned with the blood and the opening comes of itself, [then the question arises:] Is the *halachah* (3) according to R. Simeon who says: A thing which is not intended (4) is allowed; or is the *halachah* according to R. Judah who says: A thing which is not intended is forbidden? (5) And if you will say [that] the *halachah* is according to R. Judah [then the question arises], does he do damage in regard to the opening, or does he improve in regard to the opening? (6)

— Babylonian Talmud, Tractate Kethuboth 5b
Soncino 1961 Edition, pages 18-19

Rev. Dr. Israel W. Slotki amplifies the above Gemara in the following footnotes.

Lit., 'How is it?

When the intercourse could not take place before Sabbath, (Tosaf.).

And the intercourse would he allowed, since the blood flows out of its own accord, no wound having been made.

Lit., 'or is it wounded?' And the intercourse would be forbidden.

Lit., 'And if you should he able to say.'

Is his aim to release it? Lit., 'is it the blood he requires?' [According to Tosaf.: In order to see whether she is a virgin.]

Or is his aim to make an opening?

It is forbidden to make an opening on Sabbath. [Such an act comes under the category of 'building'.]

'Adopted opinion', 'rule'.

An act which is in itself forbidden but is the unintended though unavoidable result of an act which is permitted. Thus one may, according to R. Simeon, push a couch on the floor, on Sabbath, if one has not the intention to make a rut in the floor, although, as a matter of fact, such a rut is made as the unavoidable result of pushing the couch.

R. Judah's view is opposed to that of R. Simeon; v. n. 4.

Is the making of the opening considered to be to the advantage or disadvantage of the woman? If it is to her disadvantage it would he allowed even according to R. Judah. [Based on the principle that an act of damage does not constitute labour in regard to Sabbath. V. Shab. 106a.]

— Rev. Dr. Slotki

Unusual Abscess and Pus Imagery

The discussion on the legality of having the first intercourse on the Sabbath continues. In this excerpt, Rabbi Ammi compares deflowering of the virgin bride to opening an abscess and draining it of pus.

> ***GEMARA***. … R. Ammi objected: (1) He who pierces (2) an abscess on Sabbath, if [in order] to make an opening (3) to it, he is guilty, (4) but if [in order] to cause pus to come out of it [7a] he is free from punishment]? (5) — There (6) it is (7) stored up (8) and is [entirely] loose, (9) here (10) it (11) is stored up (12) but is not [entirely] loose. (13) R. Ammi allowed [couples] to have first intercourse (14) on Sabbath.

— Babylonian Talmud, Tractate Kethuboth 6b-7a
Soncino 1961 Edition, page 24

Rev. Dr. Israel W. Slotki amplifies the above Gemara in the following footnotes. Note in particular footnote 5, stressing that the destructive nature of this coition makes the act permissible on the Sabbath.

> V. 'Ed. (Sonc. ed.) p. 12 nn. 5-6.
>
> Lit., 'loosens.' Jast.: 'manipulates.'
>
> Lit., 'mouth'.
>
> Of Sabbath-breaking.
>
> And permitted: v. Shab. 107a and 3a. Intercourse should thus be permitted on Sabbath for the first time, even when the aim is the bleeding!
>
> In the case of the abscess.
>
> The blood.
>
> In the abscess.
>
> From the flesh.
>
> In the case of the virgin-bride.
>
> The blood.
>
> In the womb.
>
> From the walls of the womb. [Read with MS.M. 'It is neither stored up nor loose,' but the result of a wound, hence forbidden.]
>
> Lit., 'to perform in the beginning'.

— Rev. Dr. Slotki

Many of the Talmudic traditions concerning the First Night of the young couple will be unfamiliar to most Americans. But they should be given a respectful hearing, nonetheless. We are sure you will agree.

Animals Are People, Too

Now let us consider another subject important to the Talmud Sages: Bestiality. It seems to have been quite a problem. The rabbinical rulings on bestiality are complex and the rabbis make many subtle distinctions. (18) The Sages weigh carefully whether the human is male or female, whether the man uses the vagina or the anus of the beast, whether the beast uses the vagina or the anus of the woman, and whether the human is a minor child. The Sages take note that of a man, only the anus is available for passive intercourse ("unnatural").

Perhaps the most interesting difference between our own view of bestiality and the Talmudic view is that the Sages consider the animal should suffer punishment because it "derived pleasure from sin." The notion that an animal can sin is distinctly foreign to Western cultures founded upon Christian ideology.

> ***GEMARA***. … Raba said: The Torah ordered that the animal should be destroyed, because it too derived pleasure from sin.

— Babylonian Talmud, Tractate Sanhedrin 55a
Soncino 1961 Edition, page 375

Let us now review the Mishnah on bestiality:

> ***MISHNAH***. HE WHO COMMITS SODOMY WITH A MALE OR A BEAST, AND A WOMAN THAT COMMITS BESTIALITY ARE STONED. IF THE MAN HAS SINNED, WHEREIN HAS THE ANIMAL OFFENDED? BUT BECAUSE MAN WAS ENTICED TO SIN THEREBY, SCRIPTURE ORDERED THAT IT SHOULD BE STONED. ANOTHER REASON IS THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS, WHILST PEOPLE SAY, THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED.

— Babylonian Talmud, Tractate Sanhedrin 54a
Soncino 1961 Edition, page 367

The reasoning here is plain. The Sages feared leaving alive an animal used in bestiality. Other citizens might begin to look the ox over and get ideas about it, thus: "This is the animal on account of which so and so was stoned." Therefore it was meet that the ox be put away to prevent others from taking liberties with it.

A woman who commits bestiality in the presence of two witnesses, who warn her ahead of time on the gravity of her crime — might be tried for a capital offense. However, if either condition is not met (two witnesses, and a warning from each), she suffers no

censure and retains her eligibility to marry a High Priest. We are not told what happens to the animal in this case.

> ***GEMARA***. … R. Shimi b. Hiyya stated: A woman who had intercourse with a beast is eligible to marry a priest. (4) Likewise it was taught: A woman who had intercourse with that which is no human being, (5) though she is in consequence subject to the penalty of stoning, (6) is nevertheless permitted to marry a priest. (7)
>
> When R. Dimi came he related: It once happened at Haitalu that while a young woman was sweeping the floor a village dog covered her from the rear, and Rabbi permitted her to marry a priest. Samuel said: Even a High Priest. But was there a High Priest in the days of Rabbi? — Rather, [Samuel meant]: Fit for a High Priest.

— Babylonian Talmud, Tractate Yebamoth 59b
Soncino 1961 Edition, page 397

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes.

> Even a High Priest. The result of such intercourse being regarded as a mere wound, and the opinion that does not regard an accidentally injured hymen as a disqualification does not so regard such an intercourse either.
>
> A beast.
>
> If the offence was committed in the presence of witnesses after due warning.
>
> In the absence of witnesses and warning.

— Rev. Dr. Slotki

Trials for Animals

In the United States, of course, we would not consider putting an animal to death, simply for being involved in situations like these. Nor would we consider the animal had any guilt in the commission of the crime.

Notice that the Mishnah of Sanhedrin 54a states, "… because [a] man was enticed to sin thereby." Obviously, the animals were considered deliberate and conscious seducers, possibly criminally inclined.

To forestall the possibility of injustice, the Sages — we think very fairly — provide trials for animals accused of capital offenses. A sodomy-inclined domestic beast or a wild beast is entitled to a formal trial before a panel of 23 judges to hear the evidence and to decide culpability.

> ***MISHNAH***. … CAPITAL CASES ARE ADJUDICATED BY TWENTY-THREE. THE PERSON OR BEAST CHARGED WITH UNNATURAL INTERCOURSE, BY TWENTY-THREE, AS IT IS WRITTEN, THOU SHALT

KILL THE WOMAN AND THE BEAST, AND ALSO, AND YE SHALL SLAY THE BEAST.

THE OX TO BE STONED IS TRIED BY TWENTY-THREE, AS IT IS WRITTEN, THE OX SHALL BE STONED AND ITS OWNER SHALL BE PUT TO DEATH — AS THE DEATH OF THE OWNER, SO THAT OF THE OX, CAN BE DECIDED ONLY BY TWENTY-THREE.

THE DEATH SENTENCE ON THE WOLF OR THE LION OR THE BEAR OR THE LEOPARD OR THE HYENA OR THE SERPENT IS TO BE PASSED BY TWENTY-THREE. R. ELIEZER SAYS: WHOEVER IS FIRST TO KILL THEM [WITHOUT TRIAL], ACQUIRES MERIT, R. AKIBA, HOWEVER, HOLDS THAT THEIR DEATH IS TO BE DECIDED BY TWENTY-THREE.

— Babylonian Talmud, Tractate Sanhedrin 2a
Soncino 1961 Edition, page 2

Sages Not Unanimous

Not all Sages agreed on exceptions to the bestiality laws. At least one (R. Papa) insisted that all bestiality, regardless of type, should be considered a capital offense against Divine law — at least for men. Rabbinical scholar and translator Rev. Dr. H. Freedman explains the disagreements in footnotes:

> The reference is to bestiality. If a woman allows herself to be made the subject thereof, whether naturally or not, she is guilty. But if a man commits bestiality, he is liable only for a connection in a natural manner, but not otherwise. Thus Rashi. Tosaf., more plausibly, explains it thus: If one commits incest or adultery with a woman, whether naturally or not, guilt is incurred; but bestiality is punishable only for a connection in a natural manner, but not otherwise.
>
> The meaning according to the interpretation of Tosafoth is clear. Yet R. Papa's objection is not made in order to prove that unnatural incest is not liable (which, in fact, it is), but that if a distinction is to be drawn, unnatural bestiality is far more likely to be liable than unnatural incest. On Rashi's interpretation, R. Papa's objection is explained thus: Since a woman is naturally the passive object of sexual intercourse, it follows that she should be punished for bestiality only when the connection is carried out in a natural way. But as man is the active offender in an unnatural crime he should be punished even for unnatural connection. It must be confessed that this is not without difficulty, and hence Tosaf. rejects Rashi's explanation, which is based on a slightly different reading.

— Rev. Dr. H. Freedman (8)

Harlotry

According to the Very Reverend the Chief Rabbi of the British Empire, the late Dr. J. H. Hertz, Jewish society is extremely conservative and condemns sex outside marriage.

> The satisfaction of the needs of physical and social companionship outside the sacred estate of matrimony, unhallowed by Religion and unrestrained by its commandments, Judaism considers an abomination.

— Rabbi Dr. Hertz (8)

According to Rabbi Dr. Isidore Epstein, editor of the Soncino Talmud, harlotry is condemned in the Old Testament and the Talmud. Speaking of the Talmud Sages, he writes:

> Whilst prizing chastity above all other virtues, they refused to ascribe anything degrading to the marital union per se. Prenuptial connections, whether in the case of men or women, they did truly condemn. Not only was harlotry prohibited by them on the basis of Biblical commands (Lev. XIX, 29, and Deut. XXIII, I8) but they even went so far as to forbid the private association of sexes.

— Rabbi Dr. Epstein (7)

Old Testament — Whoredom Not Prohibited

Rabbi Dr. Epstein uses the word "harlotry," but the passages he cites (King James Version) refer to "whore" and "whoredom." It is indeed a common assumption that the Old Testament outlaws whoredom. Let us examine Rabbi Dr. Epstein's sources (Lev. 19:29, and Deut. 23:18). Those cites read as follows:

> Do not prostitute thy daughter, to cause her to be a whore; lest the land fall to whoredom, and the land become full of wickedness.

— Leviticus 19:29

Leviticus 19:29 does not prohibit whoredom. LORD God prohibits a parent from "prostituting" his daughter. The command is not directed to the woman herself. Nor does LORD God prohibit a man from using prostitutes. Now let us look at another of Rabbi Dr. Epstein's cites.

> Thou shalt not bring the hire of a whore, or the price of a dog, into the house of the LORD thy God for any vow: for even both these are abomination unto the LORD thy God.

— Deuteronomy 23:18

Upon review, we find that Deuteronomy 23:18 does not prohibit whoredom, anymore than it prohibits setting a price for a dog. Clearly, though one should not bring "the hire of a whore … into the house of the LORD," there is no prohibition on hiring a whore

elsewhere.

Notice that neither verse prohibits a woman from being a whore, nor are the whore's customers prohibited from hiring her. If this is the strongest prohibition in the Old Testament (and you would expect Rabbi Dr. Epstein to use the best cites), we would have to say that the Bible, on a plain English reading, does not outlaw prostitution anymore than it outlaws selling dogs.

Talmud — Whoredom Permitted

Let's revisit Rabbi Dr. Hertz's statement:

> The satisfaction of the needs of physical and social companionship outside the sacred estate of matrimony, unhallowed by Religion and unrestrained by its commandments, Judaism considers an abomination.

— Rabbi Dr. Hertz (11)

A reading of the Talmud suggests otherwise. Men are permitted to hire harlots provided the payment or gift and the act of intercourse are regarded as separate transactions.

> ***GEMARA***. … The scholars in the School of R. Jannai used to borrow fruits of the Sabbatical year from the poor and repay them in the eighth year. When this was reported to R. Johanan, he said to them, 'They act rightly'; and an analogy may be found in the matter of a harlot's hire which is permitted; for it has been taught: If he gave her [an animal] without having intercourse with her or had intercourse without giving it to her, her hire is permitted [for use in the Sanctuary]. Now if he gave her it without having intercourse with her, obviously [it may be devoted to the Sanctuary] for the reason that, having had no intercourse with her, he merely presented her with a gift! Further, if he had intercourse without giving it to her, behold he gave her nothing, and since he made no presentation to her what means that her hire is permitted! — This is what he intends: If he gave her it and subsequently had intercourse with her, or had intercourse with her and subsequently gave it to her, the hire is permitted But if he gave it to her and subsequently had intercourse with her, since he did have intercourse with her, [63a] the prohibition of the harlot's hire should apply retrospectively to [the animal]! — R. Eleazar replied: [It is permitted] when she first offered it. How is this to be understood? — If he said to her, 'Take possession of this at once,' then obviously it is permitted because it is no longer there at the time of intercourse and he merely presented her with a gift; but if he had not said to her, 'Take possession of this at once,' how could she offer it, since the All-merciful has declared, *And when a man shall sanctify his house to be holy* — as the house [which he sanctifies] must be in his possession, so must everything [which is dedicated to the Sanctuary] be in the person's possession! — Rather [must we suppose the circumstance] where he said to her, 'Let it be with you until the time of intercourse; but should you require it then take possession of it at once.'

— Babylonian Talmud, Tractate Abodah Zarah 62b-63a
Soncino 1961 Edition, pages 305-307

R. Eleazar was a Talmudic Sage. The following is a story about his habitual use of harlots, for which he apparently suffered no sanctions by the other Sages.

> ***GEMARA***. … It was said of R. Eleazar b. Dordia that he did not leave out any harlot in the world without coming to her. Once, on hearing that there was a certain harlot in one of the towns by the sea who accepted a purse of denarii for her hire, he took a purse of denarii and crossed seven rivers for her sake. As he was with her, she blew forth breath and said: As this blown breath will not return to its place, so will Eleazar b. Dordia never be received in repentance.

— Babylonian Talmud, Tractate Abodah Zarah, 17a
Soncino 1961 Edition, page 87

Conclusion

To review: Rabbi Shmuley Boteach states in his book, *Kosher Sex: A Recipe for Passion and Intimacy*: "Long ago, well before Christianity enacted legislation forbidding its clerics from marrying or having sex, the ancient rabbis were giving explicit sexual advice to married men and women as to how they could enjoy pleasurable yet holy intimate relations." (1) Let us review some of the Talmud advice we have seen here.

- Only in the dark
- No talking
- No kissing "that place"
- No looking at "that place"
- No standing
- No sitting
- No she-on-top
- Not just before rising
- Not upon returning from a journey
- Not with one wife while thinking of another wife (but OK if object of fantasy is not a wife)
- Not with a wife who is under a ban (i.e., forbidden to do it)
- Not with a wife you hate, one you've quarreled with, or one you've decided to divorce
- Not while drunk

- Not during menstruation, or for a week afterward (see Talmud Laws of Menstruation)
- Not before inserting testing rags into the vagina (see Talmud Laws of Menstruation)
- Not with a woman whom you mistake for another
- After returning from a privy, wait until the privy-demon has departed
- For newlyweds, sex is permitted on the Sabbath only if the groom intends to wound his bride
- Stick to the rabbinical schedule for sexual encounters, set by the husband's profession
- Wife may hint, but not demand
- A wife's objections do not matter: Wherein does she differ from fish?

We all surely understand why Rabbis Hertz, Epstein, and Boteach would seek to put Judaism in the best light. We don't blame the good rabbis for omitting a few details. However, we Americans are obliged to take a discerning approach as our nation moves closer to adopting the laws and lifestyles of the Talmud. We want to know what the rules are so we can all follow them. And we all want better sex lives.

Right?

Thank you for your consideration of the above,
Carol A. Valentine, Ear@Come-and-Hear.com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_5.html)

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Title: *Really, Really Kosher Sex*
URL: *http://antimatrix.org/Convert/Books/Talmud/editor/america_5.html*
Version: *April 7, 2004*

Footnotes: Full specifics for each of the printed sources are provided in the Bibliography. Outside URLs were valid at the time this article was written. However, be mindful that URLs do change.

873. *Kosher Sex: A Recipe for Passion and Intimacy*, page 10

874. Ibid, page 69

875. In the United States, cohabitation means only "living together" or "living together in an assumed sexual relationship outside marriage." In the Soncino, the word seems to be used to denote sexual intercourse

876. *Babylonian Talmud,* "Introduction," Seder Nashim, page xxx - xxxi available at http://www.come-and-hear.com/talmud/nashim.html#xxx

877. *Babylonian Talmud,* "Foreword," Seder Nashim, page xxiv available at http://www.come-and-hear.com/talmud/nashim_h.html#xxiv

878. "Jewish law institute launched in DC," *Jerusalem Post*, November 9, 2002, http://www.jpost.com/servlet/Satellite?pagename=JPost/A/JPArticle/ShowFull&cid=1036830287246, now moved to http://pqasb.pqarchiver.com/jpost/index.html?ts=1042784008 cached at: http://www.come-and-hear.com/editor/cp-jp-11-09-2002
Also: "Jewish Law Comes to D.C.," *The Jewish Week,* January 8, 2003, http://www.thejewishweek.com/news/newscontent.php3?artid=7074 cached as http://www.come-and-hear.com/editor/cp-jw-01-08-03

879. *Babylonian Talmud,* "Introduction," Seder Nashim, page xxx available at http://www.come-and-hear.com/talmud/nashim.html#xxx

880. Sanhedrin, page 372, notes 1 and 2, available on line as footnote 2 and footnote 3

881. "Biodiversity; Peter Singer," *Radio National: The National Interest*, Sunday 13/05/01, http://www.abc.net.au/rn/talks/natint/stories/s295489.htm cached at http://www.come-and-hear.com/na-peter-singer

882. "Heavy Petting" by Peter Singer, Nerve.com, http://www.nerve.com/Opinions/Singer/heavyPetting/main.asp cached at http://www.come-and-hear.com/na-heavy-petting

883. *Babylonian Talmud,* "Marriage, Divorce, and the Position of Woman, in Judaism" by the Very Rev. the Chief Rabbi Dr. Joseph Hertz, Seder Nezikin, page xv

884. "Talmudic Discussion" by Mark Gertler (1911). Private collection, London

885. *Babylonian Talmud*, "Glossary," *s.v.* "Torah," available in Come and Hear™ hypertext as http://www.come-and-hear.com/tglossary.html#TORAH

886. *Babylonian Talmud,* "Foreword," Seder Nezikin, Vol. I, page xiv available in Come and Hear™ hypertext as http://www.come-and-hear.com/talmud/nezikin_h.html#xiv

887. "Jewish Law and the Supreme Court: Happy Millennium From an Ancient Legal Tradition," *Project Next Step* by Rabbi Yitzchok Adlerstein, http://projectnextstep.org/adlerstein-articles/jewish-law-supreme-court.htm

cached at http://www.come-and-hear.com/editor/cp-adlerstein2

888. Sincere students of Judaism will be disappointed to learn that *Kosher Sex* was published without footnotes or an index; thus it is difficult to study Rabbi Boteach's sources.

889. Talmud Laws of Menstruation is available at http://www.come-and-hear.com/editor/america_3.html

890. For examples of the subtle distinctions in bestiality, see Tractate Sanhedrin 54b, Tractate Sanhedrin 55a, Tractate Sanhedrin 55b

891. "Author Pages," *Hodder Systems* http://authorpages.hoddersystems.com/ShmuleyBoteach/biography.asp cached at http://www.come-and-hear.com/editor/boteach-cigar

892. For a detailed definition and discussion of *Torah*, see Critical Words of Talmud Study: "Logic of the Talmud," and commentary on Kabbalism available at http://www.come-and-hear.com/editor/critwords_1.html#logic

893. Rabbi Boteach provides, in totality, the following titles on the "References" page of *Kosher Sex*: Robert Wright *The Moral Animal* and *Sex in America*; Barbara Ehrenreich *Time*; Marlon Brando and Robert Lindsey, *Songs My Mother Taught Me*; Shere Hite, *The Hite Report: A Study of Male Sexuality* and *The Hite Report on Love, Passion, and Emotional Violence*; Annette Lawson, *Adultery: An Analysis of Love and Betrayal*; Carol Botwin, *Tempted Women: The Passions, Perils and Agonies of Female Infidelity*; Warren Farrell, *Why Men Are the Way They Are*; John Grey, *Mars and Venus on a Date*; Bonnie Eaker Well, *Adultery, the Forgivable Sin: Healing the Inherited Patterns of Betrayal in Your Family*; Bertrand Russell, *The Autobiography of ...* and *Marriage and Morals*; Erica Jong, *Fear of Flying*; Erich Fromm, *The Art of Loving*; Masters and Johnson, *On Sex and Human Loving* — These works may contain information on sex, but what are Rabbi Boteach's references on "kosher"?

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NEXT: New America 6: *Talmud Daughters Become Talmud Wives*

The late Dr. Joseph Herman Hertz, the Very Reverend the Chief Rabbi of the British Empire, 1913 - 1946.

"A conclusive proof of woman's dominating place in Jewish life is the undeniable fact, that the hallowing of the Jewish home was her work; and that the laws of chastity were observed in that home, both by men and women, with a scrupulousness that has hardly ever been equalled. The Sages duly recognized her wonderful spiritual influence, and nothing could surpass the delicacy with which respect for her is inculcated: 'Love thy wife as thyself, and honour her more than thyself. Be careful not to cause woman to weep, for God counts her tears. Israel was redeemed from Egypt on account of the virtue of its women. He who weds a good woman, it is as if he had fulfilled all the precepts of the Torah' (Talmud)." — Rabbi Dr. J.H. Hertz (21)

Rabbi Dr. Isidore Epstein writes in the "Introduction" to Seder Nashim:

"The Rabbis of the Talmud, unlike the Church Fathers, never attached any stigma to marriage." (22)

"The marriage laws as developed by the Rabbis in the Talmud only served to confirm and

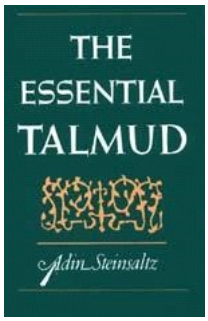
deepen the elevated view of married life." (23)

"This elevated view of marriage is likewise reflected in the Talmudic law of divorce … the Talmud with its elevated view of marriage considers the separation of husband and wife which divorce entails, a domestic tragedy for which 'the very altar of God sheds tears', and for this reason declares that 'he who dismisseth his wife is hated by God'. Yet with all their abhorrence of divorce, the Sages held the continuance of intimate relations between husband and wife after the bonds of affection were snapped to be immoral …" (24)

But "the bonds of affection" are permitted to snap for only one party — the husband. His right to suffer loss of affection is enshrined in Talmud law. The wife's right does not exist.

"**Samuel G. Freedman** is an award-winning writer and professor. A former reporter for The New York Times, he is the author of the four acclaimed books, most recently *Jew vs. Jew: The Struggle for the Soul of American Jewry*" (20)

"In the struggle for the soul of American Jewry, the Orthodox model has triumphed." — Samuel G. Freedman (13)



"Neither a father nor any other individual may impose his will on an adult daughter or attempt to force her into a marriage against her will." — Rabbi Steinsaltz (15)

But what about minor daughters? Given the early age of marriageability, a father's prerogative to marry off his minor daughters, social pressures to marry young, and cultural approval of polygamy, few Talmud woman would reach adulthood while yet unmarried.

Rabbi Shmuley Boteach, Orthodox rabbi and popularizer of Judaism, writes in *Judaism for Everyone*:

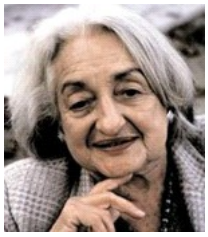
"The Torah also made marrying a woman against her will illegal and imposed extremely harsh penalties on rape."

Rabbi Boteach also explains that, "*Torah* refers to all 24 books of the *written law* plus the *oral code* as written and compiled by the ancient rabbis in the Mishnah and the Talmud." (28)

To see some of the Talmud doctrines on marriage and rape, read Kethuboth 39a, Kethuboth 46b, and Kethuboth 48a-48b. You will notice that Rabbi Boteach's statement does not quite fit the facts.

The Evening Standard describes Rabbi Boteach as follows:

"He talks brilliantly, nine times faster than is quite normal … he puffs on a giant cigar as secretaries run in and out with messages from newspapers around the world." — The Evening Standard (26)



Betty Friedan received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

"Betty Friedan's ground-breaking work *The Feminine Mystique* was published in 1963 … She defined this "mystique" as the worthlessness women feel in roles that require them to be financially, intellectually and emotionally dependent upon their husbands. Through her findings, Friedan hypothesized that women are victims of a false belief system that requires them to find identity and meaning in their lives through their husbands and children. " — American Writers (42)

Friedan also founded the National Organization for Women (NOW).

One of the chief issues of feminists is equal pay for equal work and the necessity for women to become financially independent. However, the Talmud law on wives and money states that while living with her father, everything a woman finds, earns, or creates belongs to her father, and she is under his authority. After she is married, everything a woman finds, earns, or creates belongs to her husband, and she is under his authority. — Kethuboth 46b, 48a, 48b.

According to Friedan's analysis, women living a under laws like those would feel worthless. Yet for all her analysis and study at Smith College and after, Friedan has not pointed out for her Jewish woman readers the nature of the Talmud laws. As Orthodox Judaism pervades American law and society, Friedan has not warned American women that the Talmud might not be in keeping with the vision she has led them to seek.

Gloria Steinem co-founded Seder Sisters in 1976. The Seder Sisters designed a Passover ceremony that mimics the traditional ceremony, substituting words, events, and names chosen to highlight "women's issues."

"We didn't want to replace the Seder," says Leah Richter of a recent ceremony in New Jersey "This is an educational tool, a way for Jewish women, who have always been the link between the past and the future, to learn." — Jerusalem Post (29)

If a mock ceremony is a good educational tool, wouldn't the truth about Talmud law on women be an even better one? Yet none of the Seder Sisters wanted to go there.

"A devoted activist and writer, Gloria Steinem is undeniably one of the most important voices of the modern feminist movement. Perhaps best known as the co-founder, editor and owner of Ms. magazine, Ms. Steinem's name is synonymous with the advancement of women's social equality in America and throughout the world." — IU East Commission on the Status of Women (31)

What, we wonder, would this important voice of the modern feminist movement say if required to comment on the following Talmud statue?

MISHNAH. *When a grown-up man has had sexual intercourse with a little girl, or when a small boy has intercourse with a grown-up woman, or [when a girl was accidentally] injured by a piece of wood — [in all these cases] their kethubah is two hundred [zuz] …* — Kethuboth 11a

Permitting female children to participate in religious ceremonies is nice, of course, but more material issue in the life of a child might be this Talmud ordinance:

MISHNAH. *A girl of the age of three years and one day may be betrothed by intercourse; ... If she was married to a priest, she may eat terumah.* — Niddah 44b

Another Talmud item that might be of interest to women's liberation is a father's absolute right to consign his minor daughter in marriage.

MISHNAH. *A father has authority over his daughter in respect of her betrothal [whether it was effected] by money, deed or intercourse...* — Tractate Kethuboth 46b
And who better to address these issues than a Jewish feminist?

Jacqueline Levine received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17) Jacqueline Levine is affiliated with the Jewish Fund for Justice.

"The Jewish Fund for Justice (JFJ) was founded in 1984. … The Jewish Fund for Justice is a national, publicly supported foundation that acts on the historic commitment of the Jewish people to *tzedakah* (righteous giving) and *tikkun olam* (repair of the world). We believe that a commitment to combating poverty in the U.S. and the injustices underlying it is an essential part of our core identity and values as Jews.

"JFJ observes Shabbat and Jewish holidays. JFJ serves kosher, dairy or vegetarian meals at our public functions." (30)

How does this mission statement relate to Talmud laws enabling a man to get rid of his wife without financial settlement if she has physical defects? Such physical defects may include bad breath, moles, a harsh voice, breasts that are too far apart, a scar from a dog bite, excessive perspiration. Hunchbacks, the lame, the blind and a woman injured in her sexual organs may also be divorced without financial settlement.

MISHNAH. *... [If a woman was betrothed] on condition that she has no bodily defects, and she was found to have such defects, her betrothal is invalid. If he married her without making any conditions and she was found to have bodily defects, she may be divorced without a kethubah. All defects which disqualify priests disqualify women also.* — Kethuboth 72b, Kethuboth 75a *et seq.*

Surely sincere Jewish social reformers need to confront issues like these.

Esther Broner co-founded Seder Sisters in 1976. The Seder Sisters designed a Passover ceremony that mimics the traditional ceremony, substituting words, events, and names chosen to highlight "women's issues."

"She is a pioneer Jewish feminist. Her novels, such as *A Weave of Women* re-examines the Biblical matriarchs and their place in Scripture. She also discusses creating new religious ceremonies to highlight life cycle events central to women's lives and to include women's experiences in Jewish ritual. In the mid-70's E. M. Broner spent time with her family in Israel. In her book, *The Telling*, she describes the beginning of the women's seder idea: 'But this would be different. The invited men would prepare the meal … The women would contemplate the traditional Haggadah and write new and relevant prayers.'" — (39)

But how do the Seder Sisters feel about the Talmud traditions concerning the sexual use of women in marriage? Despite a woman's objections, she must put up with anal intercourse. As one rabbi said, "My daughter! the Torah hath permitted thee to him — what then can I do for thee?"

Even more definitive of anal intercourse and a wife's body generally, the Talmud teaches:

... a man may do whatever he pleases with his wife [at intercourse]: A parable; Meat which comes from the abattoir, may be eaten salted, roasted, cooked or seethed; so with fish from the fishmonger ... A woman once came before Rab and complained. 'Rabbi! I set a table before my husband, but he overturned it.' Rab replied; Wherein does it differ from a fish? — Nedarim 20b

See also Really, *Really* Kosher Sex.

Phyllis Chesler co-founded Seder Sisters in 1976. The Seder Sisters designed a Passover

ceremony that mimics the traditional ceremony, substituting words, events, and names chosen to highlight "women's issues."

In 1972, Chesler's book *Women and Madness* was published. The 25th anniversary edition asked these questions:

"Why are so many women in therapy, on psychiatric medication, or in mental hospitals? Who decides these women are mad? Why do therapists have the power to deem a woman mentally ill when she asserts herself sexually, economically, or intellectually? Why are women pathologized, but not treated, when they exhibit a normal human response to abuse and stress - including the lifelong stress of second-class citizenship?

"Phyllis Chesler confronts questions like these and persuasively argues that double standards of mental health and illness exist and that women are often punitively labeled as a function of gender, race, class, or sexual preference. Based on in-depth interviews with patients and an analysis of women's roles in myths and history, Women and Madness is an incomparable work." (32)

When Chesler was lamenting the second-class citizenship of women, it is a pity she was not more curious about her own culture. Instead of studying the defining documents on the treatment of Jewish women, Chesler became a board Member of the International Committee of the Women of the Wall (a group that aims to gender-equalize the ceremonies at the Wailing Wall in Jerusalem). Chesler writes:

"On December 1, 1988, I was one of 70 Jewish women from Europe, North America, Australia, Asia, South America, and the Middle East who prayed together in Jerusalem, out loud, with a Torah, wearing ritual garments, for the first time in thousands of years, at the Kotel, better known as the Western, or "Wailing," Wall. The Kotel is arguably the spot most sacred or symbolic of all that was lost and longed for in Jewish history: King Solomon's Temple, our, own country, an army to protect Jews from being beaten, raped, slaughtered in Christian and Islamic countries." — (33)

"In March 1989, when the attacks continued during subsequent prayer services, the newly organized Women of the Wall (WOW) petitioned the Israeli Supreme Court for an order to allow women to pray together at the wall, with a Torah and wearing ritual garments, and to protect them from violence. According to Bonna Haberman, visiting scholar at Brandeis, 'women shouted, cursed, and pushed at us. [On two occasions] men burst into the women's section … circled, began to tear at us. [Men] hurled metal chairs at us. The police [watching nearby) refused to intervene. On a third occasion, a black wall of men cursing and taunting us blocked our entry … (Men) violently thrashed at the petition. One wild black-coated fellow burst through, hurling a chair at our heads. One woman collapsed under the blow, bleeding from the neck and head and requiring hospital treatment.'" — (33)

But where are the Jewish feminists who are willing to confront the teachings of the Talmud *vis á vis* their own stated ideals?

Elizabeth Holtzman received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

As a former US Congressman and New York lawyer, Holtzman undoubtedly understands the basic American principles of law, justice and liberty. Is Holtzman familiar with the Talmud law that requires a rapist to marry his victim? The result of that law, of course, is that the rape victim must marry her rapist. As a former Member of Congress and Presidential appointee, (27) why doesn't Holtzman use her position to warn America about some of the pitfalls in Talmud justice? Does she not know, or does she just not care?

The late Bella Abzug received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

When her father died Bella was only 12. Although the custom of saying Kaddish is traditionally reserved for sons, she stood by herself in synagogue each day for a year to say the mourning prayer. "In retrospect, I describe that as one of the early blows for the liberation of Jewish women. But in fact, no one could have stopped me from performing the duty traditionally reserved for a son, from honoring the man who had taught me to love peace, who had educated me in Jewish values." (25)

But how educated was Abzug in "Jewish values"? According to the law of the Talmud, a father can sell his daughter or otherwise give her away in marriage while she is still a minor. At no time did Abzug ever bring the suppression of women under Talmud law to the attention of the public. Did she not know?

We loved ye, Bella ...

Blu Greenberg received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

Blu is the wife of Rabbi Irving Greenberg, the Holocaust defender. Mrs. Greenberg has written two books, *How to Run a Traditional Jewish Household* and *On Women and Judaism*. According to Talmud law, her husband has the right to sell their daughter into slavery, but she does not have that right. (Sotah 23a)

Greenberg is often described as an "Orthodox Jewish feminist." Given the above regulation, is this not a form of discrimination against women? Mrs. Greenberg has never made this one of her issues.

You can help in the battle for Truth, Justice, and the American Way! Fight the forces of censorship and suppression of the Talmud, and bring about understanding between peoples of different faiths.

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It is astonishing to note the amount of hostile misrepresentation

that exists in regard to woman's position in Jewish life.
"The relation of the wife to the husband was,
to all intents and purposes, that of a slave to her master,"
are the words of a writer in the *Encyclopedia of Religion and Ethics.*
That this judgment is radically false
may be proved from hundreds of instances throughout Scripture. — Rabbi Dr. J.H. Hertz

(1)***MISHNAH***. … A man may sell his daughter,
but a woman may not sell her daughter. — Babylonian Talmud, Tractate Sotah 23a
Soncino 1961 Edition, page 115

Talmud scholars generally present the Talmud laws concerning women and family issues in a favorable light. (41) For example, see the Nashim Foreword, written by the Very Reverend the Chief Rabbi of the British Commonwealth the late Dr. J.H. Hertz, (3) and the Nashim Introduction, written by Jews College scholar and Soncino Talmud editor, Rabbi Dr. Isidore Epstein. (4)

In America, the Talmud is presented both as the Word of God and as an exemplar of practical law that has been tested and applied over millennia. Our Supreme Court and our law schools are integrating Talmud law into our society. (See America Is Rapidly Becoming Talmudized).

Without intending any disrespect for the opinions of rabbinical experts who extol the virtues of the Talmud, we prefer to take a pragmatic approach. We prefer to look at Talmud law ourselves. We have already learned much by doing exactly that.

What We Have Learned Thus Far

In Sex with Children by Talmud Rules, (34) we learned that under Talmud law, grown men may have sexual intercourse with children. Sex with girls younger than three years old is specifically permitted. We learned that the little girls are wounded and bleed as a result. Little girls may bleed after each copulation. The Sages teach that the repeated bleeding is the result of the hymen growing back and being newly ruptured with each copulation. We learned that Jewish law permits male homosexuality if the passive partner is younger than nine years old, and that homosexuality between adult men is punishable by death. We wondered how these laws could be integrated into the present system of American law and custom.

In Talmud Laws of Menstruation, (35) we learned that the Talmud's menstruation laws "concern the very being of the soul of the Jew." These laws decree that for a period of approximately two weeks, women are "unclean" and contaminate everyone and everything they touch; husbands may not have sexual intercourse with their wives. To guard against a husband and wife accidentally having intercourse during her period, a virtuous Jewish wife inserts rags into her vagina to test for menstrual fluids before and after intercourse. Having intercourse during menstruation is an actionable criminal offense under Talmud law. We wondered how laws would comport with privacy sensitivities of contemporary American culture.

In Jewish Harems in Talmud Law, (36) we learned that there is some question about how many wives a Jew is permitted. The rabbis argue — 4 wives, 12 wives? 24? 48? We learn that the relationship between wives can be bitter, and that causes concern. We also learned that there is a movement among today's Orthodox Jews to reinstate open polygamy.

In Really, *Really*, Kosher Sex (37) we learned the Talmud Sages' tips for eroticism. The wife must submit to any sexual demand the husband makes, including anal intercourse, even if she hates it. Lovemaking must take place in the dark, lest the husband see his wife and find something repulsive. No talking during intercourse, no looking at "that place," no kissing "that place," etc. But unfortunately, we didn't learn what "that place" is.

Do Your Own Research

Now, in a two-part essay, "Talmud Daughters Become Talmud Wives" (this page) and the next, And So a Talmud Marriage Ends, \l "we will examine other laws of the Talmud that affect women. But first a word of warning. These essays do not pretend to be a comprehensive overview of Talmud marriage and divorce laws. Rather, we hope they serve as an entry point for further research and discussion.

Women are discussed throughout the Talmud, but especially in tractates Sanhedrin, Niddah, Kethuboth, Yebamoth, Gittin, and Sotah. We have cited excerpts from most of these in the following article. But don't rely upon our interpretation. We have placed the entire tractates on line so you can see the excerpts in context.

Do your own research on women's issues with the Come and Hear™ Search Engine. The following search terms may yield results: virgin, harlot, girl, damsel, whore, menstruant, woman, wife, adultery, sister, daughter, lewdness, bogereth, sotah, adulteress, marital, cohabitation, intercourse, cohabit, matrimonial, rival.

What's Coming Up?

In the following articles, we will discover that, under Jewish law:

A father owns everything his daughter finds and earns

A father is urged to marry his daughter off before puberty

A father can sell his minor daughter into marriage, concubinage, or slavery

A rape victim must marry the rapist

After marriage, the husband owns everything the wife finds and earns

The only way a married woman can acquire wealth is through inheritance or gift

A husband has exclusive use of his wife's inheritance while she is alive, though it remains hers

A husband can divorce his wife at any time on payment of a settlement (*kethubah*)

A *kethubah* can be nullified for failure to perform wifely duties properly

A *kethubah* can be nullified if the wife has physical imperfections, anything from a hunched back to bad breath or moles

A wife dismissed without *kethubah* faces destitution; hence the threat of divorce gives a husband almost absolute authority over his wife

A wife cannot divorce her husband

If a wife runs away, she has no property to take with her. She is a pauper

If she goes with another man without a divorce, she and the other man are stoned

On rare occasions a Beth din (court) may force a husband to give his wife a divorce

We will have a look at these doctrines in more detail. In the following excerpts, we sometimes omit footnotes. Please follow the link to the Come and Hear™ hypertext to read those footnotes. Now, let's get some legalities out of the way.

(*Note: When excerpting quotations from the Talmud, we sometimes omit non-germane text and footnotes. Omission of text is indicated by an ellipsis (...). To see the full text and footnotes, follow the hot link at the end of the excerpt. It is our pleasure to make available on line a number of Talmud tractates, so that you can see the excerpt in full context. We indicate unprintable Hebrew characters, words, and phrases with the symbol* [H].)

Some Important Legal Definitions

The authority of a father over his daughter depends (according to one definition) upon her sexual maturity. When a girl is fully developed sexually, she is a *bogereth*, and no longer a minor. Therefore the Sages concern themselves with the intimate details of a pubescent girl's physical development. Phenomena of significance include: A wrinkle beneath the breast, breasts hanging down, breasts beginning to shake, a dark ring appearing around the nipple, the nipple sinking and rising again when a hand is placed on it, the *mons veneris* growing lower, and the appearance of at least two pubic hairs.

Note that the one categorical indicator of fecundity, menstruation, is not mentioned as an indicator of sexual maturity.

> ***MISHNAH***. THE SAGES SPOKE OF [THE PHYSICAL DEVELOPMENT OF] A WOMAN IN FIGURATIVE SPEECH: AN UNRIPE FIG, A FIG IN ITS EARLY RIPENING STAGE AND A RIPE FIG. SHE IS LIKE AN UNRIPE FIG' WHILE SHE IS YET A CHILD; A FIG IN ITS EARLY RIPENING STAGE' WHEN SHE IS IN THE AGE OF HER MAIDENHOOD. DURING BOTH THE LATTER AND THE FORMER AGES, THEY RULED, HER FATHER IS ENTITLED TO ANYTHING SHE FINDS AND TO HER HANDIWORK AND TO THE RIGHT OF INVALIDATING HER VOWS. 'A

RIPE FIG' — AS SOON AS SHE BECOMES A BOGERETH, AND HER FATHER HAS NO LONGER ANY RIGHT OVER HER.

WHAT ARE THE MARKS [OF A BOGERETH]? R. JOSE THE GALILEAN SAYS: THE APPEARANCE OF THE WRINKLE BENEATH THE BREAST. R. AKIBA SAYS: THE HANGING DOWN OF THE BREASTS. BEN AZZAI SAYS: THE DARKENING OF THE RING AROUND THE NIPPLE. R. JOSE SAYS: [THE DEVELOPMENT OF THE BREAST TO A STAGE] WHEN ONE'S HAND BEING PUT ON THE NIPPLE IT SINKS AND ONLY SLOWLY RISES AGAIN.

— Babylonian Talmud, Tractate Niddah 47a
Soncino 1961 Edition, page 327

Commentary on this passage continues in the Gemara. Note the word *bagruth*, which appears in the same context as *bogereth* and appears to have the same meaning.

GEMARA. … Our Rabbis taught: What are the marks of *bagruth*? R. Eleazar son of R. Zadok stated, When the breasts begin to shake. R. Johanan b. Beroka stated, When the top of the nose (17) grows white. But is not a woman when this grows white already old? — Rather said R. Ashi, when the top of the nose splits. (1) R. Jose stated, When a ring is formed around the nipple. R. Simeon stated, When the mons veneris grows lower.

— Babylonian Talmud, Tractate Niddah 47a
Soncino 1961 Edition, pages 328-329

Reverend Dr. Israel Slotki, translator of Tractate Niddah, amplifies the text with footnotes:

The central circle of the oblate part of the breast (Jast.),

Aliter (Jast.). When the skin of the central circle of the oblate part of the breast appears wrinkled.

— Rev. Dr. Slotki

Here is an alternate definition of *bogereth* from the Soncino Talmud Glossary:
Bogereth. A girl from the age of twelve and a half years plus one day onwards.

Here are some other pertinent definitions from the Glossary:
Na'arah. A girl between the ages of twelve years and one day and twelve and a half years plus one day.

There were two stages of marriage: betrothal (or the promise of matrimony) and home-taking:
Erusin. (Lit., 'betrothal') — a formal betrothal, which cannot be annulled without a bill of divorce
Nissu'in. The ceremony of home-taking, which completes the marriage

Another important term is *Get*
Get. A deed or legal document; when used without further specification denotes generally a writ of divorce.

Let us also review the meaning of *usufruct*, because we will see it used in the upcoming discussions.
Usufruct. In the civil law, the right of enjoying a thing, the property of which is vested in another, and to draw from the same all the profit, utility, and advantage which it may produce, provided it be without altering the substance of the thing. — Black's Law Dictionary, 5th Edition

Now let's look at the Talmud teachings more closely.

Intellectual Orientation Toward Women

Rabbi Dr. H. Freedman introduces us to Chapter I of Tractate Kiddushin. He states that the theme of this chapter is acquisition, including acquisition of slaves, real estate, movables, Sanctuary property — and wives.

> CHAPTER I commences by stating how a woman is acquired in marriage. The unit of thought, or the connecting link, however, is not marriage but acquisition, and the Tractate immediately proceeds to discuss the modes of acquisition employed elsewhere, viz., for Hebrew and heathen slaves, real estate, movables, and how the Sanctuary acquires property.

— Rabbi Dr. H. Freedman (8)

The word *kinyan* is frequently used to denote the execution of a contract of betrothal. For example, the word is so used in Kethuboth 102b. A sum of money is given by the groom to the father, and Reverend Dr. Israel W. Slotki writes of that in a footnote:

> Sc. the sum of money or object of value which the man gives to the woman as a token of betrothal which constitutes the required *kinyan*.

— Rev. Dr. Israel W. Slotki (14)

The word *kinyan* itself is defined in the Soncino Talmud Glossary as:
Kinyan. 'Acquisition'; the legal acquisition of either landed or movable property.

Daughters May Be Sold

> ***MISHNAH***. … A MAN MAY SELL HIS DAUGHTER, (5) BUT A WOMAN MAY NOT SELL HER DAUGHTER. A MAN MAY GIVE HIS DAUGHTER IN BETROTHAL (6) BUT A WOMAN MAY NOT GIVE HER DAUGHTER IN BETROTHAL.

— Babylonian Talmud, Tractate Sotah 23a

Soncino 1961 Edition, page 115

Reverend Dr. Abraham Cohen, translator of Tractate Sotah, amplifies the text with a footnote:

> As a bondwoman (Ex. XXI, 7).
>
> Without her consent when she is a minor.

— Rev. Dr. Cohen

Reverend Dr. Cohen mentions a bondwoman, that is, a slave. Slavery is described in part in Exodus 21. Male slaves are free after seven years of service, but Exodus 21:7 tells us that female slaves are not set free.

> If thou buy an Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing.
> …
>
> And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do.

— Exodus 21:2, 7 (KJV)

Thus, by citing Exodus 21:7, Reverend Dr. Cohen confirms that under Talmud law, a father may sell his daughter into a lifetime of slavery.

By ancient Hebrew tradition, a slave is owned completely. Sara gave her slave Hagar to Abraham for begetting the children that Sarah thought she could not have. There is no mention that Hagar consented to the arrangement, or that she had a choice. After the child was born, Abraham sent Hagar into the wilderness to die (Genesis 21:14). It was all perfectly legal.

But let us return to other aspects of a young girl's life under the Talmud.

Betrothed by Intercourse

A father may betroth his minor daughter by allowing the groom to have intercourse with her, or by accepting money or other valuables in exchange for her.

> ***MISHNAH***. A FATHER HAS AUTHORITY OVER HIS DAUGHTER (1) IN RESPECT OF HER BETROTHAL [WHETHER IT WAS EFFECTED] BY MONEY, (2) DEED (3) OR INTERCOURSE; (4)

— Babylonian Talmud, Tractate Kethuboth 46b
Soncino 1961 Edition, pages 265-266

Reverend Dr. Israel Slotki, translator of the above section of the Soncino Kethuboth, amplifies the above text with footnotes:

> While she is under the age of twelve and a half years and one day.

Sc. the money belongs to him.

The receipt of the deed by him effects his daughter's betrothal.

It is within his rights to allow such an act to have the validity of a *kinyan* (v. Glos.).

— Rev. Dr. Slotki

Father or Husband Owns Her Labor

While a daughter is under her father's authority, the father owns anything she finds and all her handiwork. Once she is married, the husband owns anything she finds and all her handiwork. Her husband is obliged to support her, ransom her, and pay for her funeral.

> ***MISHNAH***. … HE IS ENTITLED TO ANYTHING SHE FINDS AND TO HER HANDIWORK; [HE HAS THE RIGHT] OF ANNULLING HER VOWS (5) AND HE RECEIVES HER BILL OF DIVORCE; (6) BUT HE HAS NO USUFRUCT (7) DURING HER LIFETIME. (8) WHEN SHE MARRIES, THE HUSBAND SURPASSES HIM [IN HIS RIGHTS] IN THAT HE HAS (9) USUFRUCT DURING HER LIFETIME, (10) BUT HE IS ALSO UNDER THE OBLIGATION OF MAINTAINING AND RANSOMING HER (11) AND TO PROVIDE FOR HER BURIAL. R. JUDAH RULED: EVEN THE POOREST MAN IN ISRAEL MUST PROVIDE (12) NO LESS THAN TWO FLUTES AND ONE LAMENTING WOMAN.

— Babylonian Talmud, Tractate Kethuboth 46b
Soncino 1961 Edition, page 266

V. Num. XXX. 4ff.

If she was divorced during her betrothal before attaining her adolescence (v. Glos. s.v. bogereth).

Of property that came into her possession from her mother's side.

Such property passes into the possession of a father as heir to his daughter only after her death.

In addition to the privileges enjoyed by a father.

Cf. *infra* 65b, Kid. 3b.

If she was taken captive.

For his wife's funeral.

— Rev. Dr. Slotki

Not Ownerless Property

In Tractate Yebamoth 107a, you will find this statement by the Talmud school, Beth Shammai:

> ***MISHNAH***. … THE DAUGHTERS OF ISRAEL ARE NOT OWNERLESS PROPERTY.

— Babylonian Talmud, Tractate Yebamoth 107a
Soncino 1961 Edition, page 738

A minor girl belongs to the father "always" until the moment she enters under the authority of her husband. (All but one footnote in the following passage have been omitted; they are available through the hot link.)

> ***MISHNAH***. SHE REMAINS (8) UNDER THE AUTHORITY OF HER FATHER UNTIL SHE ENTERS UNDER THE AUTHORITY OF HER HUSBAND [BY GOING INTO THE BRIDAL CHAMBER] AT MARRIAGE. IF HER FATHER DELIVERED HER TO THE AGENTS OF THE HUSBAND SHE PASSES UNDER THE AUTHORITY OF HER HUSBAND. IF HER FATHER WENT WITH HER HUSBAND'S AGENTS OR IF THE FATHER'S AGENTS WENT WITH THE HUSBAND'S AGENTS SHE REMAINS UNDER THE AUTHORITY OF HER FATHER. IF HER FATHER'S AGENTS DELIVERED HER TO HER HUSBAND'S AGENTS SHE PASSES UNDER THE AUTHORITY OF HER HUSBAND.

— Babylonian Talmud, Tractate Kethuboth 48a-48b
Soncino 1961 Edition, page 276

Look at footnote 8, written by the translator Reverend Dr. Israel W. Slotki. The [H] represents a Hebrew character.

> [H], lit., 'for ever', 'always'.

— Rev. Dr. Slotki

In Reverend Dr. Slotki's opinion, the correct Hebrew translation indicates that a Jewish woman never passes into her own authority while living with her father. She is under her father "for ever" — or until she is passed to her husband. From that point onward, she is under the authority of her husband.

Reverend Dr. Slotki's understanding is consistent with that of Rabbi Dr. H. Freedman, translator of the Tractate Sanhedrin. Rabbi Dr. Freedman commented on the wickedness of the father of a *bogereth* who "keeps her unmarried, that he may profit by her labour whilst endangering her chastity." (12) If a *bogereth* were able to keep the products of her own labor, Rabbi Dr. Freedman's statement would have no meaning.

Status of a Young Girl

Now let's summarize what we have learned. A father has authority over his young daughter; he can betroth her to whom he chooses, and her consent is not required. He can betroth her by selling her for money or property, or allowing her prospective husband to have sexual intercourse with her.

While living with her father, her father owns anything the girl finds, and anything she produces; but her father may not use the property given to her by her mother.

After she has married, her husband owns anything she finds, and anything she produces; her husband may use the property given to her by her mother's will; i.e., the married woman cannot accumulate wealth by any means except by inheritance, and cannot use any of her inherited wealth independent of her husband.

Contracts Enforceable by Death

A betrothal is legally binding, and cannot be dissolved without a *Get* (divorce order). A betrothed girl is legally obliged to be faithful to her prospective husband. If she has sexual intercourse with another man and is caught, she will be stoned to death or strangled, depending upon her age at the time of the offense.

> ***GEMARA***. … Shila taught: There are three modes [of execution] in the case of a [betrothed] damsel [who played the harlot]. If witnesses appeared against her in the house of her father-in-law [testifying] that she had played the harlot in her father's house she is stoned at the door of her father's house, as if to say, 'See the plant that you have reared'. If witnesses came [to testify] against her in her father's house that she played the harlot in his house she is stoned at the entrance of the gate of the city. If having committed the offence she eventually attained adolescence she is condemned to strangulation.

— Babylonian Talmud, Tractate Niddah 44b-45a
Soncino 1961 Edition, page 254

Some Hope for Fatherless Girl

If the girl's father is dead and her mother or brother marry her off to a man she does not want, there is hope. If she did not give her consent, she can walk away from her husband without any formal procedures; if she did give her consent (though a minor) she must make a declaration before a Beth din (court).

> MI'UN. Lit., 'refusal'); a declaration by a fatherless girl who has been married off by her mother or brothers under age, that she does not wish to live with her husband. Such a declaration made by her in the presence of a Beth din secures her freedom without the requirement of a *Get*.

— Soncino Talmud Glossary

> ***MISHNAH***. WHICH MINOR MUST MAKE THE DECLARATION OF REFUSAL? (1) ANY WHOSE MOTHER OR BROTHERS HAVE GIVEN HER IN MARRIAGE WITH HER CONSENT. IF, HOWEVER, THEY GAVE HER IN MARRIAGE WITHOUT HER CONSENT SHE NEED NOT MAKE ANY DECLARATION OF REFUSAL. (2)

— Babylonian Talmud, Tractate Yebamoth 107b
Soncino 1961 Edition, page 746

Reverend Dr. Israel W. Slotki, translator of the above section of the Soncino Kethuboth, amplifies the text with footnotes:

> If she desires to leave her husband.
>
> She may leave her husband without any legal formality, and may marry any other man.

— Rev. Dr. Slotki

Marriage to Ants and Cabbage Heads

The Sages of the Talmud believe that, for a woman, any husband is better than none. Unhappiness and misery in marriage are preferable to a happy and prosperous life in solitude. Here is the view of the Sages:

> ***GEMARA***. … A woman is satisfied with any sort [of husband] as Resh Lakish said. For Resh Lakish stated: 'It is preferable to live in grief (13) than to dwell in widowhood'. (14) Abaye said: With a husband [of the size of an] ant her seat is placed among the great. (15) R. Papa said: Though her husband be a carder (16) she calls him to the threshold and sits down [at his side]. (1) R. Ashi said: Even if her husband is only a cabbage-head (2) she requires no lentils (3) for her pot. (4).

— Babylonian Talmud, Tractate Kethuboth 75a
Soncino 1961 Edition, pages 469, 470

Reverend Dr. Israel W. Slotki, Talmud scholar and translator of this section of the Tractate Kethuboth, amplifies the text with footnotes:

> Or 'together', 'as husband and wife'. V. following note.
>
> Yeb. 118b. This is a woman's maxim. She prefers a married life of unhappiness and misery to a happy and prosperous life in solitude. [H] (adv.) 'with a load of grief', 'in trouble' (Jast.) Aliter: (Cf. supra n. 13) 'two bodies' (Rashi); 'two persons' (Levy).
>
> A woman's opinion of a married life (v. Yeb. l.c.).[H] pl. of [H], 'a free woman'.

[H], 'flax-beater' (Rashi), a watchman of vegetables' (Aruch.), i.e., of a poor and humble occupation.

To shew her friends that she is a married woman. She is proud to be in the company of a husband however humble his occupation and social status.

[H], i.e., 'dull', 'ugly' (v. Jast.): 'of a tainted family' (Rashi).

I.e., even a cheap vegetable.

A woman is content to dispense even with the cheapest enjoyments for the sake of a married life.

— Rev. Dr. Slotki

So according to the Sages, being married to an "ant" or a "cabbage head" is preferable to being unmarried.

Either Wives or Whores

A father is under great societal pressure to marry off his daughter early. If there is a delay and she is not married at about the age of 12 1/2, she is in danger of becoming a whore. It is best to marry the girl off *before puberty*. Respectable spinsterhood is not an option; the word "spinster" does not appear in the 1952 General Index published as part of the 1961 Edition of the Soncino Talmud.

GEMARA. As it has been taught: Do not profane thy daughter to cause her to be a whore; R. Eliezer said: This refers to marrying one's [young] daughter to an old man. R. Akiba said: This refers to the delay in marrying off a daughter who is already a *bogereth*. (1)

R. Kahana said on R. Akiba's authority: The only poor in Israel is the subtly wicked and he who delays in marrying off his daughter, a *bogereth*. (2) But is not one who thus delays himself subtly wicked? (3) — Abaye answered: [76b] This is its meaning: Which poor man is subtly wicked? He who delays marrying off his daughter, a *bogereth*. (4)

… He who loves his wife as himself and honours her more than himself, (8) and leads his children in the right path, and marries them just before they attain puberty — of him Scripture saith, *And thou shalt know that thy tabernacle shall be in peace and thou shalt visit thy habitation, and shalt not sin*. (9)

— Babylonian Talmud, Tractate Sanhedrin 76a-76b
Soncino 1961 Edition, page 517

Rabbi Dr. H. Freedman, translator of this section of the Soncino Sanhedrin, amplifies the above text with footnotes:

Having attained puberty, she may become unchaste if not married. Marriage,

of course, was then at a far earlier age than now.

This is explained further on.

Why 'and he who delays etc.': the two are identical. His wickedness consists in that he keeps her unmarried, that he may profit by her labour whilst endangering her chastity.

Through his poverty he delays her marriage, that he may profit from her labour, The poor man has no other opportunity of cunning wickedness …

By providing her with fine ornaments (Rashi).

Job. V. 24. This proves that it is meritorious to marry off one's children whilst minors.

— Rabbi Dr. Freedman

What dutiful father would hesitate to marry off his daughter when she is a minor, given that delay may cause her to become a whore? Given that girls can be betrothed and married off at the age of three, it would seem that many daughters were married off before they could make an informed decision.

Punishment for Rape — Who Is Punished?

This Mishnah deals with the consequences of rape to the rapist, and of seduction to the seducer.

> ***MISHNAH***. … WHAT [IS THE DIFFERENCE] BETWEEN [THE PENALTIES OF] A SEDUCER AND THOSE OF A VIOLATOR? THE VIOLATOR PAYS COMPENSATION FOR THE PAIN BUT THE SEDUCER DOES NOT PAY COMPENSATION FOR THE PAIN. THE VIOLATOR PAYS (8) FORTHWITH (9) BUT THE SEDUCER [PAYS ONLY] IF HE DISMISSES (10) HER. THE VIOLATOR MUST DRINK OUT OF HIS POT (11) BUT THE SEDUCER MAY DISMISS [THE GIRL] IF HE WISHES. WHAT IS MEANT BY (12) 'MUST DRINK OUT OF HIS POT'? — EVEN IF SHE IS LAME, EVEN IF SHE IS BLIND AND EVEN IF SHE IS AFFLICTED WITH BOILS [HE MAY NOT DISMISS HER]. IF, HOWEVER, SHE WAS FOUND TO HAVE COMMITTED AN IMMORAL ACT OR WAS UNFIT TO MARRY AN ISRAELITE HE MAY NOT CONTINUE TO LIVE WITH HER, FOR IT IS SAID IN SCRIPTURE, AND UNTO HIM SHE SHALL BE FOR A WIFE, [IMPLYING] A WIFE THAT IS FIT 'UNTO HIM.

— Babylonian Talmud, Tractate Kethuboth 39a
Soncino 1961 Edition, pages 218-219

Several aspects of this Mishnah deserve closer study. What is the "pot" from which the rapist must drink? It is an earthen vessel such as is used as a receptacle for refuse; this is

the Sages' metaphor for the rape victim. Note also that the entire penalty for the pain the rapist has caused the girl is paid to the girl's father (see Soncino Footnote 8, below).

Reverend Dr. Israel W. Slotki, Talmud scholar and translator of this section of the Tractate Kethuboth, explains this in footnotes:

> To the damsel's father.
>
> Even if he marries her.
>
> This is explained *infra*.
>
> [H], an earthen vessel used as a receptacle for refuse or as a plant pot; i.e., the violator must marry his victim whatever her merits or defects.
>
> Lit., 'how'.

— Rev. Dr. Slotki

Note that the Mishna does not provide for the wishes of the rape victim to be consulted. The presumption is that she'll do as she's told and marry the man who committed the brutal act upon her. If, however, it can be shown she ever committed an "immoral" act, the rapist is excused on that account. In the discussion that follows, Abaye introduces an amendment, stating that the rape victim and her father may refuse the marriage, but Raba disagrees. See the Gemara of Tractate Kethuboth 39a-b for the full discussion.

The doctrine expressed in the Mishna is derived directly from Deuteronomy 22:28-29:

> If a man find a damsel that is a virgin, which is not betrothed, and lay hold on her, and lie with her, and they be found;
>
> Then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife; because he hath humbled her, he may not put her away all his days.

— Deuteronomy 22:28-29

This is the wording in the *King James Version*. The *New International Version* is less delicate: "If a man happens to meet a virgin who is not pledged to be married and rapes her …"

Rape As a Crime Against Property

Compare this treatment of the rapist with the treatment of a man who seduces a betrothed maiden.

> ***MISHNAH***. THE FOLLOWING ARE STONED: … HE WHO COMMITS ADULTERY WITH A BETROTHED MAIDEN.

— Babylonian Talmud, Tractate Sanhedrin 53a
Soncino 1961 Edition, page 359

If the rape victim is not married or promised in marriage, the rapist marries the woman. However, if she is married or promised in marriage, the rapist is stoned to death. Thus we see the object of the law is not so much to punish the rapist as to protect the property rights of other male Jews.

Indeed, the lesson one might draw this law is — if you see a beautiful girl who is not married or betrothed, rape her and she's yours. Courtship is an expensive and unnecessary luxury.

Talmud Popularizers vs. the Talmud

Repeated over and over in the Talmud are doctrines from the Sages themselves. Young girls — from younger than three years of age through pre-puberty and up to *bogereth* state — can be sold or otherwise given in marriage. (See Sex with Children by Talmud Rules for specific information on three year olds.) Their consent is not required. Nor, or course, would the consent of a minor be legally meaningful.

Talmud spokespersons seem to have a hard time dealing with this. When writing of women's issues, they usually avoid mentioning these laws, or mischaracterize them. Surely this is not advisable. If these Talmud spokespersons believe that the Talmud is the word of God, they should speak up in clear voices and state their beliefs. We can listen respectfully, and decide whether Talmud policies strike the same chord in our hearts. If they do, we can adopt them. But we should be allowed to make a fully informed decision.

— Rabbi Shmuley Boteach

Rabbi Shmuley Boteach is the author of more than a dozen books popularizing Judaism. Titles include *Judaism for Everyone, Dating Secrets of the Ten Commandments, Kosher Sex, Kosher Emotions, The Jewish Guide to Adultery, Why Can't I Fall in Love*.

Rabbi Boteach obviously feels a little awkward about the Talmud laws on marriage and rape. First defining *Torah*, Rabbi Boteach says of these laws:

> "Torah" refers to all 24 books of the 'written law' plus the 'oral code' as written and compiled by the ancient rabbis in the Mishnah and the Talmud.
>
> …
>
> The Torah also made marrying a woman against her will illegal and imposed extremely harsh penalties on rape.

— Rabbi Boteach (28)

Rabbi Boteach seriously mischaracterizes the Talmud teaching on marriage and rape, as we have just seen.

— Rabbi Adin Steinsaltz

Rabbi Adin Steinsaltz, famed Israeli Talmud scholar and recipient of the Israel Award,

Israel's top civilian honor, is the author of *The Essential Talmud*, a 269-page compendium written for popular consumption. Rabbi Steinsaltz is currently translating the Talmud into French, Russian, and English. While you almost certainly will not find a complete and uncensored copy of the Talmud (with a workable and comprehensive subject index [18]) in your local public library, you may find Rabbi Steinsaltz's *The Essential Talmud*.

Here is what Rabbi Steinsaltz says:

> … although a father may marry off his daughter and cancel her vows, his authority is limited to minor daughters who have not yet reached the age of sexual maturity (twelve). Neither a father nor any other individual may impose his will on an adult daughter or attempt to force her into a marriage against her will.

— Rabbi Steinsaltz (15)

A key word in this statement is "adult." Before the girl is adult, she certainly may be married or sold without her consent. Recall the great pressures on Jewish fathers to marry off their minor daughters. Neither we nor Rabbi Steinsaltz could know what percentage of Jewish women were married off as minors; but to fail to mention the fate of minor girls and the societal pressure on fathers to marry off their daughters as minors — while at the same time lauding the independence of *bogereth*s — is disclosing less than the full truth. We suspect that many, if not most, brides were married before reaching puberty.

— Rev. Dr. Abraham Cohen

Rev. Dr. Abraham Cohen translated the tractates Sotah and Abodah Zarah into English for Jews College/Soncino Press. You will find his signature and the bottom of the Introductions to each of these tractates. He also wrote a popularized compendium, *Everyman's Talmud*, that is still in print and may be available at your local public library.

Now let's compare the work of Rev. Dr. Cohen, the popularizer, with Rev. Dr. Cohen, the Talmud scholar and translator. Rev. Dr. Cohen (the translator) rendered (Sotah 23a (see above) as follows: "A man may sell his daughter, [5] but a woman may not sell her daughter. A man may give his daughter in betrothal [6] but a woman may not give her daughter in betrothal." (16) Footnotes written by Rev. Dr. Cohen read: "[5] As a bondwoman (Ex. XXI, 7). [6] Without her consent when she is a minor."

Remember that Rev. Dr. Cohen, Talmud scholar and translator, must have been familiar with the many other Talmud doctrines governing marriages of minor children — even children younger than three. With this in mind, let's see what Rev. Dr. Cohen, the popularizer, writes concerning a girl's consent in marriage:

> According to Talmudic law, 'a man is forbidden to give his daughter in marriage while she is a minor, until she is grown up and says, I wish to marry so-and-so (Kid. 41a). If he married her while in her minority she could repudiate the marriage on reaching the age of twelve, and have it annulled without a divorce.

— Rev. Dr. Cohen (11)

This statement from Rev. Dr. Cohen (the popularizer) is untrue. Only a fatherless girl can escape an unwanted marriage (Yebamoth 107b, quoted above). To support his untrue statement, Rev. Dr. Cohen quotes from Chapter II of Tractate Kiddushin 41a. The Soncino Tractate Kiddushin was translated by Rabbi Dr. H. Freedman, who describes Chapter II in his Introduction:

> CHAPTER II returns to betrothal, with which the whole is exclusively concerned. It treats of betrothal by proxy; more detailed laws on money or its equivalent as one of the modes of betrothing a woman; conditional betrothal; and the simultaneous betrothal of more than one woman.

— Rabbi Dr. H. Freedman (7)

So we see the subject of Chapter II is specifically the arrangement of marriage through *proxies*. It begins with these words:

> ***MISHNAH***. A MAN CAN BETROTH [A WOMAN] THROUGH HIMSELF OR THROUGH HIS AGENT. A WOMAN MAY BE BETROTHED THROUGH HERSELF OR THROUGH HER AGENT. A MAN MAY GIVE HIS DAUGHTER IN BETROTHAL WHEN A NA'ARAH [EITHER] HIMSELF OR THROUGH HIS AGENT.

— Babylonian Talmud, Tractate Kiddushin 41a
Soncino 1961 Edition, page 204

The Gemara of Kiddushin 41a contains the phrase that Rev. Dr. Cohen quotes out of context:

> ***GEMARA***. … A MAN MAY GIVE HIS DAUGHTER IN BETROTHAL WHEN A NA'ARAH. Only when a *na'arah*, but not when a minor: this supports Rab. For Rab. Judah said in Rab's name. One may not give his daughter in betrothal when a minor, [but must wait] until she grows up and says, 'I want So-and-so.'

— Babylonian Talmud, Tractate Kiddushin 41a
Soncino 1961 Edition, page 205

Rev. Dr. Cohen gives his readers the impression Kiddushin 41a represents the Talmud legal doctrine on minor girls and betrothal, without mentioning the specific context of the provision (proxy marriage). He fails to mention the many doctrines on minor girls and betrothal that fall outside Kiddushin 41a.

What are we to think? We must recognize that Rev. Dr. Cohen was under editorial supervision when he translated Tractate Sotah of the Soncino Talmud. He was part of the Jews College team under editor Rabbi Dr. Isidore Epstein. The reputation of Dr. Epstein's school, Jews College of London, was on the line. Many learned rabbis and Hebrew scholars would read the Jews College-Soncino translation. Rev. Dr. Cohen's *Everyman's Talmud*, however, was intended not as a book for learned Jews, but as a popularization for the uninformed public. Rev. Dr. Cohen had no fear of challenge from the readers of *Everyman's Talmud*, and he presents the Talmud doctrines that cause less offense. We

believe Rev. Dr. Cohen failed to meet the Rudin Standard for openness and full disclosure. (19)

This website is dedicated to realizing the goal close to the heart of the Very Reverend the Chief Rabbi of the United Hebrew Congregations of the British Commonwealth, Professor Jonathan Sachs. It is his hope that people of different religious faiths can come to understand each others' beliefs. How can this happen when spokespersons do not give accurate representations of those beliefs?

Protection of the Kethubah

The Old Testament permits a man to dismiss his wife at will:

> When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.

— Deuteronomy 24:1

Much to the credit of the Sages of the Talmud, they sought to soften this harshness by instituting the *kethubah* (plural, *kethuboth*). Here is the definition from the Soncino Talmud Glossary:

> KETHUBAH. (Lit., 'a written [document]'); (a) a wife's marriage settlement which she is entitled to recover on her being divorced or on the death of her husband. The minimum settlement for a virgin is two hundred *zuz*, and for a widow remarrying one hundred *zuz*; (b) the marriage contract specifying the mutual obligations between husband and wife and containing the amount of the endowment and any other special financial obligations assumed by the husband.

— Soncino Talmud Glossary

Rabbi Dr. Epstein tells us:

> The *kethubah* — the deed of marriage settlement instituted primarily with the object of protecting a wife against hasty divorce, had to be drawn up and duly completed before the consummation of marriage. In view of the right vested by the Bible in the husband to divorce the wife at his pleasure — a theoretical right which the Rabbis could not entirely set aside - it was felt that no woman could enter upon matrimony with a free and easy mind without being in possession of this safeguard to her marital security. The Sages accordingly forbade marital relations as long as the *kethubah* had not been completed. Furthermore, they declared that it was forbidden for husband and wife to live together for a single moment without a *kethubah* (B.K. 89a); and where the *kethubah* was lost, they had to abstain from intercourse until another *kethubah* had been made out.

— Rabbi Dr. Epstein (5)

Obviously, the possibility of a wife being dismissed at a moment's notice looms large in the Sages' minds, for Rabbi Dr. Epstein states: "… and where the *kethubah* was lost, they had to abstain from intercourse until another *kethubah* had been made out." No sex until the financial arrangements have been set in stone.

What Price Virginity? One Hundred Zuz

The wife's virginity on her wedding night affects the amount of the *kethubah*. Therefore, virginity, literally, has a price. Rev. Dr. Israel W. Slotki states this in his Introduction to the Tractate Kethuboth:

> The minimum amounts of the *kethubah* to which virgins, widows, divorcees or other women belonging to the various strata of social and religious life are entitled, and the conditions governing the forfeiture of her *kethubah* by a wife in the absence of her virginity, are duly indicated …

— Rev. Dr. Slotki (9)

In the following, "*zuz*" and "*maneh*" are units of currency. A *maneh* is one hundred *zuz*. Footnotes have been omitted from this excerpt, but may be viewed by following the link at the end of the cite.

> ***MISHNAH***. A MAIDEN — HER KETHUBAH IS TWO HUNDRED [ZUZ], AND A WIDOW — A MANEH. A MAIDEN, WHO IS A WIDOW, [OR] DIVORCED, OR A HALUZAH FROM BETROTHAL — HER KETHUBAH IS TWO HUNDRED [ZUZ], AND THERE LIES AGAINST THEM THE CHARGE OF NON-VIRGINITY.

— Babylonian Talmud, Tractate Kethuboth 10b
Soncino 1961 Edition, page 52

The *Universal Jewish Encyclopedia* published in 1942 states that the price specified for a virgin was equivalent to about $30 (1942 US dollars). (10) We thus see that a virgin's base *kethubah* is worth twice as much as a non-virgin's.

See Tractate Kethuboth 6b for the function of the groomsmen, including page 23, footnotes 12 and 13 (Kethuboth 6b, footnotes 37 and 38 in Come and Hear™ hypertext). (40)

Rabbis Have Virginity Tests

When the bride does not bleed on the wedding night, the groom might consult a rabbi. The Talmud Sages have several tests for virginity. A conversation between the bride, the groom, and the rabbi contains a description of one test:

> ***GEMARA***. … 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I was a

> virgin.' He said to them: Bring me that cloth. (1) They brought him the cloth, and he soaked it in water and he washed it and he found on it a good many drops of blood. (2) [Thereupon] he [Rabban Gamaliel] said to him [the husband]: Go, be happy with thy bargain.'

— Babylonian Talmud, Tractate Kethuboth 10a
Soncino 1961 Edition, page 50

Rabbi Dr. Samuel Daiches amplifies the text with the following footnotes, which appear as footnotes 45 and 46 in the Come and Hear™ hypertext version:

> Upon which they spent the night.
>
> The blood was covered by semen.

— Rabbi Dr. Daiches

Here is an account of the "cask of wine" test. If a non-virgin sits over an open cask of wine, the perfume of the wine passes through her body. The wine and can be smelled on her breath by a rabbi. On the other hand, if a virgin sits over an open cast of wine, the perfume of the wine does not pass through her body, and, naturally, a rabbi cannot smell it. Here is an account of the conversation between the bride, the groom, and the rabbi that describes the technique.

> ***GEMARA***. … 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I am still a virgin.' He [then] said to them: Bring me two handmaids, one [who is] a virgin and one who had intercourse with a man. They brought to him [two such handmaids], and he placed them upon a cask of wine. [In the case of] the one who was no more a virgin its smell (1) went through,(2) [in the case of] the virgin the smell did not go through.(3) He [then] placed this one [the young wife] also [on a cask of wine], and its smell (4) did not go through. He (5) [then] said to him:(6) Go, be happy with thy bargain.(7)

— Babylonian Talmud, Tractate Kethuboth 10b
Soncino 1961 Edition, pages 50-51

Rabbi Dr. Samuel Daiches amplifies the text with the following footnotes:

> I.e., the smell of the wine.
>
> One could smell the wine from the mouth (Rashi).
>
> One could not smell the wine from the mouth.
>
> I.e., the smell of the wine.
>
> Rabban Gamaliel.
>
> To the husband.

The test showed that the wife was a virgin.

— Rabbi Dr. Daiches

These tests give us an insight into the mindset of husbands, wives, and rabbis in the Talmud days. Modern American men and women might be uncomfortable with the concept behind these tests.

Contraception

Under the Talmud, none. Not in any form, not for anybody. See Really, *Really* Kosher Sex (Contraception) for details.

Double Standards

The Talmud Sages do not value male virginity. Theirs is a culture of double standards. Do a search on "virgin" to see how many times "virgin" refers to a man. For a man, visiting a harlot and paying for her services was perfectly acceptable — even among rabbinical students. (See Really, *Really* Kosher Sex.)

Many bygone cultures and legal systems had sexual double standards, of course, in which women were treated very much like cows sold in a market place. We don't necessarily single out the Sages for blame. However, the Talmudic system is different from others; it forms the bedrock of the Judaic system that is being offered for future America.

America Is Rapidly Becoming Talmudized

In 1991, the US Congress declared the Talmudic Noahide Laws to be the basis "upon which our great Nation was founded" (see America's New Government Church). Under Noahide Law regulations, idolaters (which includes Christians by definition) are put to death.

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (6) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
America's New Government Church: http://www.come-and-hear.com/editor/america_1.html
Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html

Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and http://www.come-and-hear.com/editor/cp-jw-01-08-03

It therefore behooves us to examine Talmud laws concerning marriage and divorce very carefully and ask: Is this the direction in which we want to go?

We've seen how wives are acquired. Now let us look at how to get rid of a wife no longer wanted.

Thank you for your consideration of the above,
Carol A. Valentine, Ear@Come-and-Hear.com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_6.html)

Endnotes:

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Version: *March 29, 2004*

Footnotes:
Full specifics for each of the printed sources are provided in the Bibliography. Outside URLs were valid at the time this article was written. However, be mindful that URLs do change.

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931. **And So a Talmud Marriage Ends** http://www.come-and-hear.com/editor/america_7.html

932. "E. M. Broner Collection 1969-1997," *Brandeis University Libraries*, http://library.brandeis.edu/specialcollections/FindingGuides/special/Broner/broner_m.htm

933. *Babylonian Talmud,* Kethuboth 6b, page23, footnotes 12 and 13; available in Come and Hear™ hypertext as Kethuboth 6b, footnotes 37 and 38 http://www.come-and-hear.com/kethuboth/kethuboth_6.html#6b_37

934. Jews often call the Talmud "the Torah." According to many Rabbinical experts, the Talmud is the Word of God, the basic book of Jewish law, and the foundation of Jewish culture. See What Come-and-Hear™ Is About, Critical Words of Talmud Study, and More Critical Words of Talmud Study at http://www.come-and-hear.com/editor/about.html http://www.come-and-hear.com/editor/critwords_1.html and http://www.come-and-hear.com/editor/critwords_2.html respectively.

935. "The Feminine Mystique," *American Writers,* http://www.americanwriters.org/works/feminine.asp

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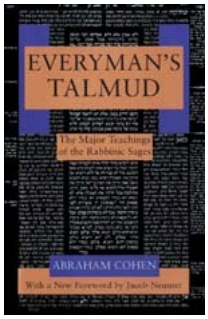
NEXT: New America 7: *And So a Talmud Marriage Ends*



Rev. Dr. Abraham Cohen is the author of *Everyman's Talmud* and translator of Sotah and Abodah Zarah for the Soncino Edition of the Talmud. In *Everyman's Talmud*, Rev. Dr. Cohen writes:

"Especially in the early Talmudic period, when the Temple was still standing, the arrangement of marriages was not unattended by romance. There is a record which informs us: 'The Israelites had no happier days than the fifteenth of Ab and the Day of Atonement, when the sons of Jerusalem used to go out dressed in white garments which were borrowed, so as not to put to shame anybody who did not possess his own. The daughters of Jerusalem would go out and dance in the vineyards, crying, 'Young man, raise your eyes and see whom you will choose for your wife. Pay no attention to beauty, but rather to family.'" — Rev. Dr. Cohen (12)

A young man must surely have great discipline to put aside the notion of marrying a beautiful girl and focus instead on marrying into a particular family.

"… while the man might he trusted not to abuse his power, the woman, if virtuous, would only in the rarest circumstances actually desire a divorce." — Maurice Simon, translator of Tractate Gittin (20)

Ruth Bader Ginsburg received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

"Between 1972 and 1978, Ginsburg argued six cases before the United States Supreme Court involving gender-role stereotyping. She was victorious in five of those cases. She is credited with fundamentally altering the legal and social landscape, creating personal and professional opportunities for women where they previously never existed … In 1993, President Clinton … called Ginsburg 'the Thurgood Marshall of gender equality law.' … Justice Ginsburg is noted to be a moderate-liberal, who has worked toward ending institutionalized discrimination against women." (13)

Yet Ginsburg was one of the three Supreme Court judges who attended November 2000 the kosher dinner in the US Supreme Court Building to celebrate the establishment of the National Institute for Judaic Law (NIJL). The stated purpose of the NIJL is to introduce Talmud law into American courts and law schools. It would be surprising if a Supreme Court judge would give blind endorsement to a legal system she knows nothing about. See Sentence and Execution

Given that the dinner was attended by three Supreme Court judges, should we understand that at least one third of the Supreme Court is willing to discard the American Bill of Rights in favor of the Talmud's Noahide Laws (see America's New Government Church)?

Ruth Bader Ginsburg and her colleagues on the Supreme Court are sworn to uphold the Constitution of the United States. What was she doing, lending her prestige to the NIJL dinner in 2002. And why did she accept the AJC award in January 2000 in Israel's Knesset government? Who owns this woman?

The late Virginia Snitow received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

"In 1979 Virginia received a call for help from Israeli women for funds to pay the rent on the only shelter for abused women in Israel. 'Jewish men don't beat their wives,' said the incredulous Snitow. She soon learned how wrong she was … and a group called US/Israel Women to Women was born … Orthodox women face a different problem in Israel. Although it is ostensibly a secular state, Israeli law is interpreted by one stream of Judaism, the Orthodox. Getting a divorce in Israel is at the discretion of the husband. If the husband denies the divorce, then that ends the discussion. These women who are called *agunat*, are frequently compelled to remain in abusive situations. Some find refuge

in shelters where WTW assists them through court proceedings." (27)

It is not at all clear whether Virginia Snitow knew that the issues she sought to change on behalf of women everywhere are close to the heart of Talmudic Judaism.

Letty Cottin Pogrebin received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

"Ms. Pogrebin was born in 1939 in Queens NY. She was raised in an observant Jewish home, and loved to studied Torah and Talmud diligently with her father, even beyond her Bat Mitzvah … Letty had the courage to be both a strong feminist and a strong observant Jewish woman, at a time when most Jewish women in the feminist movement denied their heritage." (13)

Being both a feminist and an "observant Jewish woman" would require more than courage. How can Pogrebin reconcile the liberation of women with the Talmud teaching that a woman is "unclean" for two weeks of every month, during which she contaminates everything and everybody she touches (see Talmud Laws of Menstruation)? Given her early education in the Talmud, Pogrebin must know the social burqa worn by Orthodox Jewish women. Where is her voice, warning America of the advancing Jewish Orthodoxy and its contradictions with Woman's Liberation?

Francine Klagsbrun received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

"The phrase *tikkun olam*, or 'repairing the world,' has become synonymous in Jewish life with acts of social justice, which, for many Jews have come to stand for all of Judaism. … Not that there's anything wrong with social justice. It is certainly a core Jewish value, emphasized in the Bible and at the heart of the message the ancient prophets delivered. But it is not the be-all and end-all of Jewish ethics … Contrary to what might be supposed, the term *tikkun olam* does not appear in the Bible, not even among the

prophetic books. It is first mentioned in the Talmud, in a discussion about divorce, and relates there to upholding order in society." (26)

But how educated is Klagsbrun on the social justice of the Talmud? According to the law of the Talmud, a woman can be divorced at any time on the whim of her husband. And if she has a disease or any physical imperfection, she receives no financial settlement. In comparison, a wife cannot initiate divorce proceeding against her husband. A Beth din can order a divorce for only a few circumstances, and those circumstances do not include immorality, unfaithfulness, or cruelty of the husband. See discussion of Kethuboth 77a.

Is Klagsbrun working to alert American women to the pitfalls of justice within Judaic law, or does she just not know?

Lilly Rivlin co-founded Seder Sisters in 1976, a ceremony that mimics the Passover Seder with substitute words, events, and names chosen to highlight "women's issues."

"New York-based writer, activist, and filmmaker Lilly Rivlin (THE TRIBE, SFJFF 1983) records the final years of her parents' marriage revealing a loving and even flirtatious relationship. While this is an expected ending to a conventional marriage where the father has many mistresses and the mother patiently takes the abuse, Lilly probes further to see how this reality affected her and her sister and brother. The film presents a nuanced portrait of an all-American immigrant family where infidelity is hidden and accepted." (11)

That description comes from the web page for the "Jewish Film Festival," subtitled "Independent Filmmakers: Looking at Ourselves." Many Jewish women might wish this Jewish introspection went deeper. In Talmud law, infidelity of the husband is not actionable and is not grounds for a wife's complaint or divorce. Nor is cruelty to the wife in any form. However, infidelity of the wife is an offense punishable by strangulation — for both the wife and her lover.

Susan Weidman Schneider received the American Jewish Committee Award for *Distinguished Jewish American and Israeli Feminists* in January 2000 at a ceremony in the Israeli Knesset. (17)

Schneider is the founder and editor-in-chief of the non-profit magazine *Lilith* for Jewish women. In January 2001, Schneider wrote an editorial addressed to the incoming president, George Bush:

Schneider quotes the Talmud for the edification of the new president ("The Talmud instructs us not to question the validity of the need of a beggar"), and also urges this:

"To govern well you'll need to understand that women in this country face harder, sometimes crueler choices than men do — and more complex than the anti-choice vitriol admits. Women represent one more 'other,' a biologically vulnerable other, whose plight you might try to imagine as you watch over the public weal and ensure that a woman's right to choose is never compromised." — Schneider (15)

Biological vulnerability is indeed an woman's issue, but the Talmud does not offer the same solutions as Schneider. For example, the Talmud Sages rule that contraception is not permitted a wife under any circumstances, no matter if a pregnancy would endanger her life. Even abstinence to avoid pregnancy is denied her. *The Lord preserveth the simple*, they quote. (Yebamoth 12b) To study the Sages' rulings, see Really, *Really* Kosher Sex

How can Schneider endorse the Talmud and still promote a pro-choice agenda?

Rabbi Simeon J. Maslin served as served as President of the Central Conference of American Rabbis from 1995-1997. In a 1993 pamphlet, he wrote:

"… we must never forget that whether we are Reform, Conservative, Reconstructionist, or Orthodox, we are all an essential part of K'lal Yisrael — the worldwide community of Jewry. All Jews have an obligation to study the traditions that have been entrusted to us and to observe those mitzvot — those sacred and time-hallowed acts — that have meaning for us today and that can ennoble our lives, as well as those of our families and communities." — Rabbi Maslin (8)

Rabbi Amy Scheinerman, of Bolton Street Synagogue in Baltimore, Maryland.

"For Orthodox Jews, the Hebrew Scriptures are a divinely authored text and therefore every commandment contained therein must be obeyed. The Mishnah and Talmud are considered to have virtually the same status and are called Oral Torah." — Rabbi Scheinerman (5)

Rabbi Noson Gurary is the Executor Director of the Hasidic Chabad of Buffalo, New York, and founder of the National Institute for Judaic Law, the purpose of which is to educate American courts and law schools about Judaic law.

"'It will be an eye opener for judges, scholars and law students,' he told The Jewish Week. 'Before you know where you're going, you have to know where you came from. And Jewish law is the basis of our legal system in America.'" (14)

Rabbi Gurary is also quoted by the Jerusalem Post: "By demonstrating the philosophy of Jewish law and its moral values, we can bring a little beacon of light to this world." (6)

You can help in the battle for Truth, Justice, and the American Way! Fight the forces of censorship and suppression of the Talmud, and bring about understanding between peoples of different faiths.

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Rabbi Dr. Isidore Epstein, editor of the Soncino Talmud, states:

"Thus the object of the legal system was not to preserve a particular dynasty or a certain form of government, but to establish social righteousness, and to *maintain* thereby a constant, close, inseparable connection between ethics and law, both flowing from the same Divine source … All laws, regulations and enactments had authority only in so far as they were able to stand the ethical test of the Torah … All laws, regulations and enactments had authority only in so far as they were able to stand the ethical test of the Torah.

"Once they passed this test they were no longer regarded as manmade, but became identified with the very law of God. And this it was which made the Jewish communities able to exhibit, even under the most trying circumstance and the most hostile environment, a moral enthusiasm and a passion for social justice in which even enlightened European states have often lamentably failed." (10)

This is the second in a two-part series on Talmud marriage and divorce laws. The first part is Talmud Daughters Become Talmud Wives. (1) We hope this introduction to Talmud divorce laws serves as an entry point for your own research.

In Talmud Daughters Become Talmud Wives, Rabbi Dr. Epstein, the editor of the Soncino Talmud, told us that the *kethubah* — the "deed of marriage settlement" instituted by the Sages — protected a wife against hasty divorce. Given the right of the husband to divorce the wife at will, the Sages felt that the *kethubah* safeguarded a woman's marital security (see Talmud Daughters Become Talmud Wives: "Protection of the Kethubah").

(*Note: In the following Talmud excerpts, we sometimes omit footnotes and non-germane text. Omissions of text are indicated by ellipses (...). The full text and all footnotes are available through the hot links that follow the excerpts, along with the text of the entire tractates. Now, at Come and Hear™, you can judge the Talmud fairly and in context.*)

No Kethubah for Bodily Defects

Despite the protection of the *kethubah*, it is relatively easy for a husband to get rid of a wife without paying. Physical defects can justify her being divorced without receiving *kethubah*.

> ***MISHNAH***. … [IF A WOMAN WAS BETROTHED] ON CONDITION THAT SHE HAS NO BODILY DEFECTS, AND SHE WAS FOUND TO HAVE SUCH DEFECTS, HER BETROTHAL IS INVALID. IF HE MARRIED HER WITHOUT MAKING ANY CONDITIONS AND SHE WAS FOUND TO HAVE BODILY DEFECTS, SHE MAY BE DIVORCED WITHOUT A KETHUBAH. ALL DEFECTS WHICH DISQUALIFY PRIESTS (1) DISQUALIFY WOMEN ALSO. (2)

— Babylonian Talmud, Tractate Kethuboth 72b
Soncino 1961 Edition, pages 453-454

Rev. Dr. Israel W. Slotki, Talmud scholar and translator of this section of the Tractate Kethuboth, amplifies the text with these footnotes:

> 936. From the Temple service (cf. Lev. XXI, 17ff).
>
> 937. From marriage. If such a woman married she may be divorced without a *kethubah*.

— Rev. Dr. Slotki

Blemishes Big and Small

Rev. Dr. Slotki refers us to Leviticus 21:17 for a description of defects which disqualify men from the priesthood, which same defects deprive a wife of her *kethubah*. For full context, we have begun our excerpt at Leviticus 21:16 and extended it to Leviticus 21:21.

> 938. And the LORD spake unto Moses, saying,
>
> 939. Speak unto Aaron, saying, Whosoever he be of thy seed in their generations that hath any blemish, let him not approach to offer the bread of his God.
>
> 940. For whatsoever man he be that hath a blemish, he shall not approach: a blind man, or a lame, or he that hath a flat nose, or any thing superfluous,
>
> 941. Or a man that is brokenfooted, or brokenhanded,
>
> 942. Or crookbackt, or a dwarf, or that hath a blemish in his eye, or be scurvy, or scabbed, or hath his stones broken;
>
> 943. No man that hath a blemish of the seed of Aaron the priest shall come nigh to offer the offerings of the LORD made by fire: he hath a blemish; he shall not come nigh to offer the bread of his God.

— Leviticus 21:16-21

The New International Version renders the same passage as follows:

944. The LORD said to Moses,

945. "Say to Aaron: 'For the generations to come none of your descendants who has a defect may come near to offer the food of his God.

946. No man who has any defect may come near: no man who is blind or lame, disfigured or deformed;

947. no man with a crippled foot or hand,

948. or who is hunchbacked or dwarfed, or who has any eye defect, or who has festering or running sores or damaged testicles.

949. No descendant of Aaron the priest who has any defect is to come near to present the offerings made to the LORD by fire. He has a defect; he must not come near to offer the food of his God."

— Leviticus 21:16-21

So then, a woman who is hunchbacked, blind, lame, disfigured, deformed, or has a crippled foot or hand or an eye defect … or damaged sexual organs may be divorced without her *kethubah*.

— Bad Breath, Perspiration, Moles

The Sages go on to discuss this Mishnah in the following Gemara, and expand the legal rulings. Other physical defects that can deny a wife her *kethubah* include excessive perspiration and bad breath. We have omitted the footnotes in the following. To study them, please follow the link at the end of the excerpt.

> ***GEMARA***. … ALL DEFECTS WHICH DISQUALIFY etc. A Tanna taught: To these were added [excessive] perspiration, a mole and offensive breath. Do these, then, not cause a disqualification in respect of priests? Surely we have learned, 'The old, the sick and the filthy' and we have also learned, 'These defects whether permanent or transitory, render human beings unfit [for the Temple service]! — R. Jose b. Hanina replied: This is no contradiction. The former refers to perspiration that can be removed; the latter, to perspiration that cannot be removed.
>
> R. Ashi said [in reply]: You are pointing out a contradiction between 'perspiration' and 'one who is filthy' [which in fact are not alike, for] there, in the case of priests, it is possible to remove the perspiration by the aid of sour wine, and it is also possible [to remove] an offensive breath by holding pepper in one's mouth and thus performing the Temple service, but in the case of a wife [such devices are for all practical purposes] impossible.

> What kind of a mole is here meant? If one overgrown with hair, it would cause disqualification in both cases; if one with no hair, [then, again], if it is a large one it causes disqualification in both cases and if it is a small one it causes no disqualification in either; for it was taught: A mole which is overgrown with hair is regarded as a bodily defect; if with no hair it is only deemed to be a bodily defect when large but when small it is no defect; and what is meant by large? R. Simeon b. Gamaliel explained: The size of an Italian *issar*! — R. Jose the son of R. Hanina said: One which is situated on her forehead. [If it was on] her forehead he must have seen it and acquiesced! — R. Papa replied: It is one that was situated under her bonnet and is sometimes exposed and sometimes not.

— Babylonian Talmud, Tractate Kethuboth 75a
Soncino 1961 Edition, pages 470-471

— Scars from Dog Bites, a Harsh Voice

Scars from dog bites and a harsh voice can also trigger the divorce of a wife without her *kethubah*.

> ***GEMARA***. … R. Hisda said: I heard the following statement from a great man (And who is he? R. Shila). If a dog bit her and the spot of the bite turned into a scar [such a scar] is considered a bodily defect.
>
> R. Hisda further stated: A harsh voice in a woman is a bodily defect; since it is said in Scripture, *For sweet is thy voice, and thy countenance is comely*.

— Babylonian Talmud, Tractate Kethuboth 75a
Soncino 1961 Edition, pages 470-471

— Breasts Too Far Apart

Having breasts too far apart can trigger the divorce of a woman without her *kethubah*.

> ***GEMARA***. … R. Nathan of Bira learnt: [The space] of one handbreadth between a woman's breasts. R. Aha the son of Raba intended to explain in the presence of R. Ashi [that this statement meant that '[the space of] a handbreadth' is to [a woman's] advantage, but R. Ashi said to him: This was taught in connection with bodily defects. And what space [is deemed normal]? Abaye replied: [A space of] three fingers.
>
> It was taught: R. Nathan said, It is a bodily defect if a woman's breasts are bigger than those of others. By how much? — R. Meyasha the grandson of R. Joshua b. Levi replied in the name of R. Joshua b. Levi: By one handbreadth. Is such a deformity, however, possible? — Yes; for Rabbah b. Bar Hana related, I saw an Arab woman who flung her breasts over her back and nursed her child.

— Babylonian Talmud, Tractate Kethuboth 75a
Soncino 1961 Edition, pages 471-472

— Groom Should Have Inspected

The Sages argue about the relative responsibilities of the father and the groom for a bride's imperfections. Some argue he should have had his female relatives inspect the betrothed woman's body in a local bath-house before he made his deal with the father. The woman's body is compared to a "field that was inundated."

> ***MISHNAH***. IF SHE WAS AFFLICTED WITH BODILY DEFECTS WHILE SHE WAS STILL IN HER FATHER'S HOUSE, HER FATHER MUST PRODUCE PROOF THAT THESE DEFECTS AROSE AFTER SHE HAD BEEN BETROTHED AND [THAT, CONSEQUENTLY, IT WAS THE] HUSBAND'S FIELD THAT WAS INUNDATED. IF SHE CAME UNDER THE AUTHORITY OF HER HUSBAND, THE HUSBAND MUST PRODUCE PROOF THAT THESE DEFECTS WERE UPON HER BEFORE SHE HAD BEEN BETROTHED AND [THAT CONSEQUENTLY] HIS BARGAIN WAS MADE IN ERROR. THIS IS THE RULING OF R. MEIR. THE SAGES, HOWEVER, RULED: THIS APPLIES ONLY TO CONCEALED BODILY DEFECTS; [75b] BUT IN RESPECT OF DEFECTS THAT ARE EXPOSED HE CANNOT ADVANCE ANY VALID PLEA. AND IF THERE WAS A BATH-HOUSE IN THE TOWN HE CANNOT ADVANCE ANY VALID PLEA EVEN AGAINST CONCEALED BODILY DEFECTS, BECAUSE HE [IS ASSUMED TO HAVE HAD HER] EXAMINED BY HIS WOMEN RELATIVES.

— Babylonian Talmud, Tractate Kethuboth 75a-75b
Soncino 1961 Edition, page 472-472

None of this quite fits into our current concept of prenuptial romance in America. Currently, bride and groom vow to love each other "for better or worse, in sickness and in health." The Talmudic concept might take some getting used to.

No Kethubah for Behavioral Problems

A wife who speaks too loudly inside her own home, who has intercourse with her husband when she is menstruating, who feeds her husband the wrong food or commits other religious-culinary offenses, who goes out with head uncovered, who curses her husband's parents in his presence — these wives may be divorced without a *kethubah*.

> ***MISHNAH***. THESE ARE TO BE DIVORCED WITHOUT RECEIVING THEIR KETHUBAH: A WIFE WHO TRANSGRESSES THE LAW OF MOSES OR [ONE WHO TRANSGRESSES] JEWISH PRACTICE. AND WHAT IS [REGARDED AS A WIFE'S TRANSGRESSION AGAINST] THE LAW OF MOSES? FEEDING HER HUSBAND WITH UNTITHED FOOD, HAVING INTERCOURSE WITH HIM DURING THE PERIOD OF HER MENSTRUATION, NOT SETTING APART HER DOUGH OFFERING, OR MAKING VOWS AND NOT FULFILLING THEM. AND WHAT [IS DEEMED TO BE A WIFE'S TRANSGRESSION AGAINST] JEWISH PRACTICE? GOING OUT WITH UNCOVERED HEAD, SPINNING IN THE STREET OR CONVERSING WITH EVERY MAN. ABBA SAUL SAID: [SUCH

TRANSGRESSIONS INCLUDE] ALSO THAT OF A WIFE WHO CURSES HER HUSBAND'S PARENTS IN HIS PRESENCE. R. TARFON SAID: ALSO ONE WHO SCREAMS. AND WHO IS REGARDED A SCREAMER? A WOMAN WHOSE VOICE CAN BE HEARD BY HER NEIGHBOURS WHEN SHE SPEAKS INSIDE HER HOUSE.

— Babylonian Talmud, Tractate Kethuboth 72a
Soncino 1961 Edition, pages 448-449

The Screamer

The Sages discuss that Mishnah in the following Gemara. What is meant by "one who screams?"

GEMARA. … R. TARFON SAID: ALSO ONE WHO SCREAMS. What is meant by a screamer? — Rab Judah replied in the name of Samuel: One who speaks aloud (10) on marital matters. In a Baraitha it was taught: [By screams was meant a wife] whose voice (11) during her intercourse in one court can be heard in another court. But should not this, then, (12) have been taught in the Mishnah (13) among defects? (14) — Clearly we must revert to the original explanation. (15)

— Babylonian Talmud, Tractate Kethuboth 72b
Soncino 1961 Edition, page 453

Rev. Dr. Israel W. Slotki, Talmud scholar and translator of this section of the Tractate Kethuboth, amplifies the text with these footnotes:

950. Lit., 'makes her voice heard'.

951. Her screams of pain caused by the copulation.

952. Since her screaming is due to a bodily defect.

953. Infra 77a.

954. Of course it should. Such a case in our Mishnah is out of place.

955. That given in the name of Samuel.

— Rev. Dr. Slotki

So then, Rab Judah is of the opinion that a woman who expresses herself "aloud" on matters that pertain to the family could trigger divorce without *kethubah*. She is distinguished from the woman who screams in pain during intercourse. That woman is presumed to have a physical defect, and may be divorced without *kethubah* on that account. For further discussion of such women, see Really, *Really*, Kosher Sex.

Divorce and Virtue

Tractate Gittin contains the laws of divorce. In his Introduction to the Tractate, Talmud scholar and Talmud translator Maurice Simon states:

> One more point will probably strike the modern reader — the apparent unfairness of the Talmudic law of divorce towards the woman. The husband can practically at any time get rid of the wife against her will; the wife cannot release herself from the husband against his will except under certain conditions when the Beth din can compel him to give her a *Get*. This is certainly the theory, but in practice this inequality was, in the view of the Rabbis, more apparent than real. They assumed, and rightly so, that both for a man and a woman married life was under almost any conditions preferable to single, and therefore while the man might he trusted not to abuse his power, the woman, if virtuous, would only in the rarest circumstances actually desire a divorce.

— Maurice Simon (20)

If Mr. Simon is correct, that "both for a man and a woman married life was under almost any conditions preferable to single," we might expect the divorce law to reflect that parity of interest. Instead, the ability of a man to unilaterally divorce his wife is clearly to his advantage. Mr. Simon infers that only a lack of virtue in a woman would lead her to want a divorce, but that leaves an open question: What would lead a man to want a divorce — and would that indicate personal virtue, or lack thereof?

Delivery of the Get

When a husband wishes to divorce his wife, he must serve her with a document called a *Get*. The Tractate Gittin enumerates unusual but legitimate methods for delivering the *Get*.

— The *Get* may be delivered by surprise

> ***MISHNAH***. IF HE SAID TO HER, TAKE THAT BOND, OR IF SHE FOUND IT BEHIND HIM AND READ IT AND IT TURNED OUT TO BE HER GET, IT IS NO GET, UNTIL HE SAYS TO HER, THERE IS YOUR GET. IF HE PUT IT INTO HER HAND WHILE SHE WAS ASLEEP AND WHEN SHE WOKE UP SHE READ IT AND FOUND IT WAS HER GET, IT IS NO GET UNTIL HE SAYS TO HER, THAT IS YOUR GET.

— Babylonian Talmud, Tractate Gittin 78a
Soncino 1961 Edition, page 374

— The Get May Be Delivered Air Mail

> ***MISHNAH***. IF SHE WAS STANDING ON A ROOF AND HE THREW IT UP TO HER, AS SOON AS IT REACHES THE AIRSPACE OF THE ROOF, SHE IS DIVORCED. IF HE WAS ABOVE AND SHE BELOW AND HE THREW IT

> TO HER, ONCE IT HAS LEFT THE SPACE OF THE ROOF, EVEN THOUGH [IMMEDIATELY AFTERWARDS] THE WRITING WAS EFFACED1 OR IT WAS BURNT,2 SHE IS DIVORCED.

— Babylonian Talmud, Tractate Gittin 79a
Soncino 1961 Edition, page 378

— A Get May Be Thrown

A man may throw the *Get* at his wife. Depending on where it lands, the couple may or may not be divorced. If it lands nearer to her, they are divorced. If it lands nearer to him, they are not divorced. If it lands half way between them, they are both divorced and not divorced.

> ***MISHNAH***. IF SHE WAS STANDING ON PUBLIC GROUND AND HE THREW IT TO HER, IF IT LANDS NEARER TO HER SHE IS DIVORCED, BUT IF IT LANDS NEARER TO HIM SHE IS NOT DIVORCED. IF IT LANDS MIDWAY, SHE IS DIVORCED AND NOT DIVORCED.

— Babylonian Talmud, Tractate Gittin 78a
Soncino 1961 Edition, page 375

In the Gemara, the Sages discuss the possibility of a dog running off with the *Get*, and the legal implications such an event would have:

> ***GEMARA***. … R. Eliezer says: Even though it is nearer to her than to him and a dog came and ran off with it, she is not divorced.' She is not divorced, you say? How long is she to go on keeping it? No; what he means to say is this: If it is nearer to her than to him, yet so placed that if a dog came and tried to make off with it he could save it but she could not, she is not divorced. Samuel said to Rab Judah: Shinena, it must be so near that she can stoop down and pick it up, but do you not actually [declare it valid] until it comes into her hand.

— Babylonian Talmud, Tractate Gittin 78b
Soncino 1961 Edition, page 376

Possible Scenario

Consider this scenario made possible by Talmud divorce law: The husband notifies his wife that he is divorcing her by throwing the decree at her. The woman retrieves the *Get* from the ground where it has landed. By the time she can read it and determine its content, her former husband may be returning to his home, where she no longer lives. If she is lucky, or if her husband is feeling generous, she has a *kethubah*; otherwise he may use any of a dozen loopholes to deny it to her. Any money or property she has found or earned during her marriage now belongs to him.

Is this the direction in which American women want to go?

Beth Din May Enforce Divorce

There are some conditions under which a Beth din may force a husband to divorce his wife. These conditions are debatable, and indeed, were hotly debated at the time of the Sages. The first Mishnah of Kethuboth 77a opens the subject.

> ***MISHNAH***. A MAN IN WHOM BODILY DEFECTS HAVE ARISEN CANNOT BE COMPELLED TO DIVORCE [HIS WIFE]. R. SIMEON B. GAMALIEL SAID: THIS APPLIES ONLY TO MINOR DEFECTS, BUT IN RESPECT OF MAJOR DEFECTS HE CAN BE COMPELLED TO DIVORCE HER.

— Babylonian Talmud, Tractate Kethuboth 77a
Soncino 1961 Edition, page 481

Now comes a second Mishnah:

> ***MISHNAH***. THE FOLLOWING ARE COMPELLED TO DIVORCE [THEIR WIVES]: A MAN WHO IS AFFLICTED WITH BOILS, OR HAS A POLYPUS, OR GATHERS [OBJECTIONABLE MATTER] OR IS A COPPERSMITH OR A TANNER, WHETHER THEY WERE [IN SUCH CONDITIONS OR POSITIONS] BEFORE THEY MARRIED OR WHETHER THEY AROSE AFTER THEY HAD MARRIED. AND CONCERNING ALL THESE R. MEIR SAID: ALTHOUGH THE MAN MADE A CONDITION WITH HER [THAT SHE ACQUIESCES IN HIS DEFECTS] SHE MAY NEVERTHELESS PLEAD, 'I THOUGHT I COULD ENDURE HIM, BUT NOW I CANNOT ENDURE HIM.' THE SAGES, HOWEVER, SAID: SHE MUST ENDURE [ANY SUCH PERSON] DESPITE HER WISHES, THE ONLY EXCEPTION BEING A MAN AFFLICTED WITH BOILS, BECAUSE SHE [BY HER INTERCOURSE] WILL ENERVATE HIM.
>
> IT ONCE HAPPENED AT ZIDON THAT THERE DIED A TANNER WHO HAD A BROTHER WHO WAS ALSO A TANNER. THE SAGES RULED: SHE MAY SAY, 'I WAS ABLE TO ENDURE YOUR BROTHER BUT I CANNOT ENDURE YOU'.

— Babylonian Talmud, Tractate Kethuboth 77a
Soncino 1961 Edition, pages 482-483

The Sages explain the meaning of "who gathers" in the following Gemara. The Mishnah refers to a husband who collects dog manure for use in his tanning business.

> ***GEMARA***. … WHO GATHERS. What [is meant by one] WHO GATHERS? — Rab Judah replied: One who gathers dogs' excrements.
>
> An objection was raised: 'One who gathers' means a tanner!

— Babylonian Talmud, Tractate Kethuboth 77a

Soncino 1961 Edition, page 483

The discussion is continued through to folio 78a. Some of the issues not discussed are immorality of the husband, infidelity of the husband, and cruelty to the wife. Please study the Come and Hear™ hypertext and draw your own conclusions.

The Suspected Woman

Under Talmud law, if a man suspects his wife has been unfaithful but has no hard evidence of her infidelity, the wife may clear herself by submitting to a trial by ordeal. This trial consists of drinking "bitter water." If she is innocent, the drink is harmless; but if she is guilty, it kills her in a horrible fashion.

For the trial, the suspected woman (the *sotah*) is brought to the Temple. The priest asks her how she pleads. If she says, "Guilty" or refuses the trial, she is divorced without her *kethubah*.

> ***MISHNAH***. … THE FOLLOWING DO NOT DRINK AND DO NOT RECEIVE THE MARRIAGE SETTLEMENT: SHE WHO SAYS 'I AM UNCLEAN', WHEN WITNESSES CAME [AND TESTIFIED] THAT SHE HAD MISCONDUCTED HERSELF, AND SHE WHO SAYS 'I REFUSE TO DRINK'.

— Babylonian Talmud, Tractate Sotah 24a
Soncino 1961 Edition, page 119

If she says, "Innocent," the priest strips her to the waist, puts her on public display, and holds her up to public ridicule. She is then given "bitter water" to drink, which consists (allegedly) of Temple dust and water. If the *sotah* is guilty of infidelity, her belly swells, her face turns green, her eyes protrude, etc., and she dies. See Introduction to the Tractate Sotah. See also Sentence and Execution: "Poisoning With 'Bitter Water'" and Accusation and Trial: "Women Stripped to the Waist And Publicly Displayed."

Given the details of this trial by ordeal, we suspect many women would just plead guilty and go away quietly without their *kethuboth*, regardless of the truth. Accusing one's wife of infidelity appears to be another mechanism at the disposal of a man who wants to get rid of a wife without paying the *kethubah*.

Legal Limbo for Wives

An article carried by the *Jewish Bulletin of Northern California* in 2002 tells how the Talmud divorce laws are playing out in contemporary America. As you read, remember that the women who suffer live on American soil.

> NEW YORK — An international grass-roots organization has won the backing of major Orthodox rabbis and organizations around the world to help ease the plight of women whose husbands refuse them a Jewish divorce.
>
> Jews who live according to *halachah* (Jewish law) require a get to dissolve their

> marriages.
>
> Only a man can give a get, and some husbands withhold them out of vindictiveness or to extort financial or custody settlements.
>
> The issue has long-rankled many in the Orthodox world because of the impact on women, some of whom are trying to escape abusive relationships.
>
> Women denied gets are forbidden from remarrying or even dating, and are called *agunot*, which means "chained women."

— Jewish Bulletin of Northern California (25)

Some husbands use a legal device that enables them to be remarried, while holding their wives in a marital limbo.

> One of the biggest loopholes that has been used recently to block women from obtaining gets is the *heter me'ah rabbonim*, which literally means "exception of 100 rabbis."
>
> Under the *heter*, a man who obtains 100 signatures from rabbis can withhold a get from his wife, but still remarry.
>
> Initially intended to be used when a wife is incapacitated, the practice has been widely abused in recent years, Klein said.
>
> "There are people who are selling *heter meah rabbonim* and women who are not being given the right of getting this get."
>
> People have been known to obtain the signatures by going to yeshivas in Israel, where no one knows the parties involved, and misleading young rabbis into believing the *heter* is justified.
>
> "The bottom line is they're keeping a wife chained as an *agunah* while freeing the husband," Klein said.

— Jewish Bulletin of Northern California (25)

Why don't these women, these *agunot*, go to an American court to settle the question? Because these women are Orthodox Jews, and they are using rabbinical courts to settle their legal disputes. They are living on American soil, but not under American law. See The Talmud Lives for Jews; they may be excommunicated if they take their husbands to Gentile court.

Talmud Divorce in Israel

In Israel, jurisdiction over divorce is effectively in the hands of rabbinical courts. The Israel Religious Action Center (IRAC) reports:

> Israeli society has given the monopoly in matters involving marriage and divorce to the halacha (Jewish law) and the activities of the rabbinical courts in these matters are a multi-disciplinary laboratory that studies various crucial questions.

— Israel Religious Action Center (24)

The IRAC report validates another from the late Virginia Snitow's group, Women to Women. WTW tells us the divorce courts are not just rabbinical courts — they are *Orthodox* rabbinical courts.

> In 1979 Virginia received a call for help from Israeli women for funds to pay the rent on the only shelter for abused women in Israel. "Jewish men don't beat their wives" said the incredulous Snitow. She soon learned how wrong she was … and a group called US/Israel Women to Women was born … Orthodox women face a different problem in Israel. Although it is ostensibly a secular state, Israeli law is interpreted by one stream of Judaism, the Orthodox. Getting a divorce in Israel is at the discretion of the husband. If the husband denies the divorce, then that ends the discussion. These women who are called *agunat*, are frequently compelled to remain in abusive situations. Some find refuge in shelters where WTW assists them through court proceedings.

— WomensNewsOnline.com (27)

This from the Jerusalem Post:

> Although state courts can determine custody and property division, rabbinical courts have sole jurisdiction over divorce for all Jewish Israelis, religious or not.

— *Jerusalem Post*, reprinted by Max Morrison Legal Aid (3)

Case Histories

The plight of wives living under Jewish law is publicized from time to time in Israeli newspapers. Many cases concern women whose husbands refuse to give them a divorce. Here is a case publicized in *The Jerusalem Post* in 1999. *The Jerusalem Post* reporter gives the wife the pseudonym "H".

> Technically, H., 43 and a mother of two, is a *mesurevet get*, a woman whose husband refuses to give her a divorce, and not an *aguna*. In modern parlance, *aguna* has come to include all women who can't get a religious divorce, not just a woman whose husband has disappeared. H.'s husband lives in Israel, but you wouldn't know it from his absence from their court hearings …
>
> "My husband controlled everything I did," she said. "If I wanted to buy a sweater,

> I needed permission, so I stopped buying clothing. Instead, I wore rags. If I needed to have my teeth filled, he said it was too expensive. When I inherited money, he took it and spent it."
>
> Unable to endure the daily oppression, she tried to kill herself, first with drugs and vodka, then by lying in the road, hoping to be hit by a car.
>
> H.'s attorney warned her that this last act might weigh heavily against her in a custody hearing. But after she was examined by a psychologist the civil court determined that H.'s desperate state was a result of her living conditions. They saw the suicide attempt as a cry for help and awarded her custody. A settlement was negotiated to divide the property.

— The Jerusalem Post (3)

H.'s rabbinical court advocate presented her case, and for thirteen months she waited for the rabbis to reach a decision. Finally the court issued a declaration stating the man should divorce his wife. *The Jerusalem Post* tells us the man simply ignored the order, and the wife "waits on." (3)

Haaretz carried the story of another woman whose husband refused her a divorce. The woman was eventually helped by attorney Susan Weiss. Weiss tells us about her client's case. In the following, "Y.S." are the reporter's initials.

> "It was one of the most shocking rulings I'd ever heard. They claimed I hadn't proved that he was unfaithful, although we had a tape of him confessing. The court said the confession was not a statement but a question ("I cheated on my wife?"). They also ruled that even if he had been unfaithful or violent, they couldn't force him to give a get because he had not been forewarned [according to Jewish law, a person can be punished only if he has been warned by two witnesses - Y.S.]. Since we were talking about the High Rabbinical Court, there was no other forum for me to appeal to. The woman petitioned the High Court, but the justices said they couldn't interfere in the decisions of the rabbinical court."

— Haaretz.com (4)

Not a Victory

A May 2001 Jerusalem family court decision has been represented as a big breakthrough for women under Jewish law; but to us, it seems more like business as usual. The case involved a husband who refused to give his wife a divorce (*Get*) after a decade of living apart. The husband had been ordered by a rabbinical court to grant the divorce, but he ignored the order. The wife filed a civil lawsuit arguing that she should be granted damages because the husband was withholding her right to remarry, have children, and determine her own destiny. Judge Ben Zion Greenberger ruled that the wife could claim damages. After the judge's ruling, the husband agreed to give his wife the divorce if she withdrew her damages case against him. (28)

This, of course, is judicially blessed extortion. While the husband no doubt deserved rough treatment, the court in no way recognized the wife's standing to originate a divorce, and did not recognize that she was an equal partner in the marriage contract.

Yet Another Solution

Many Jews in Europe, Israel, and the United States are familiar with the equity of modern Gentile divorce laws, whereby either husband or wife can originate the action and the wife is treated equitably. To the modern mind, that aspect of Gentile law appears inarguably superior to *halachic* law, where women have virtually no rights in divorce.

How can Orthodox Judaism maintain its image as the superior religion with answers to all of life's problems? To many people it appears that the rules were made "close to two thousand years ago by people living in cultures radically different from our own," as the ADL's Abraham Foxman puts it. (30)

In June, 2003, several Orthodox organizations issued a press release endorsing a new Binding Arbitration Agreement, claiming it "would go a long way toward the goal of eliminating the scourge of *iggun* [delayed divorce] from our community once and for all." Note the language in the press release: a Talmudic "delayed" divorce is a "scourge." (31)

In the "new" Agreement, (32) the husband and wife sign away their rights to initiate a divorce in American courts. Instead, they commit themselves to binding arbitration by the Beth Din of America; the decision of the Beth Din thereafter becomes legally enforceable through the American court system.

Recall from The Talmud Lives for Jews that Orthodox Judaism already forbids Jews to seek justice from Gentile (secular) courts. The pre-nuptial agreement makes that religious prohibition a legally enforceable contract.

As we might expect, there is no indication that wives have an equal right to initiate a divorce. The Beth Din of America acknowledges that a husband has "the *halachic* right" to his wife's earnings (see Talmud Daughters Become Talmud Wives), but demands that the husband give up that right and pay the wife $150 should disputes between them result in their living separately (Section VII). Arguably, this arrangement would continue in perpetuity, until he gave his wife the *Get*, granting the divorce. Here is the making of legally blessed extortion, *a la* Justice Greenberger (see "Not a Victory," above) — for poor husbands. On the other hand, for many rich Jewish husbands, $150 per day ($54,750 per year) would be a trifle. An rich unwilling husband could comfortably forestall forever the divorce, and the resultant division of property.

What of the substantive matters concerning sufficiency of grounds for a divorce? *Halacha* allows a man to divorce his wife without *kethubah* if her breasts are too far apart, if she has bad breath or a mole, or if she is a "screamer," etc. Indeed, if American civil law were to be used, there would be no purpose in using *halachah*.

Once she signs the Binding Arbitration Agreement, the American Jewish woman has no

protection against *halachah*. It's hard to see how the new Beth Din of America Binding Arbitration Agreement is a great leap forward.

Coming Soon to Your Town

Let us also reflect that in November 2002, three Supreme Court judges, including the putative feminist Ruth Bader Ginsburg, attended a Kosher dinner in the Supreme Court Building to celebrate the establishment of the National Institute for Judaic Law. The purpose of the Institute is to teach Talmud-based law in the US, and to integrate Talmud-based law into US society.

One does not invite Supreme court judges for dinner to celebrate a purely academic curiosity. Law is ultimately useless unless it is enforceable. The Supreme Court judges were invited to dinner because of the office they hold and the power they wield over the American judicial system. Washington attorney Alyza Lewin, daughter of the famous Orthodox advocate, Nathan Lewin, is helping to set up the Institute. She says, "The idea is to make Jewish law more accessible to everyone." But Jewish law is already accessible to those who wish to live by it voluntarily; Lewin's target is clearly those who have *not* yet embraced Talmud law, and for whom Talmud law must be made mandatory.

Lewin looks forward to the enforcement of Jewish law on everyone, and anticipates the Supreme Court will help to achieve this goal.

The Institute will not be injecting Talmud-based law into Rabbinical courts (which already have it), but into Gentile courts. If the Orthodox Jewish advocates have their way, both Jewish and Gentile courts will be operating according to Talmud law.

America Is Rapidly Becoming Talmudized

In 1991, the US Congress declared the Talmudic Noahide Laws to be the basis "upon which our great Nation was founded" (see America's New Government Church). Under Noahide Law regulations, idolaters (which includes Christians by definition) are put to death.

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see Sentence and Execution).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (6) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:
America's New Government Church: http://www.come-and-

hear.com/editor/america_1.html
Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html
Kosher Dinner: http://www.come-and-hear.com/editor/cp-jp-11-09-2002 and
http://www.come-and-hear.com/editor/cp-jw-01-08-03

God vs. Maimonides

In his "Foreword" to the Seder Nashim, Rabbi Dr. Hertz tells us that Jewish divorce laws have changed for the better since Talmud times:

> The uniform aim of the Rabbis throughout the succeeding centuries was to develop the law in the direction of greater equality between the man and the woman. At last, in the year 1000, Rabbenu Gershom decreed that the wife, unless she was unfaithful, could not be divorced except of her free will. Maimonides went even further: 'If a woman says, "My husband is repulsive to me, and I cannot live with him," the husband is compelled to divorce her, because she is not like a captive woman that she should be forced to consort with a man whom she hates.'

— Rabbi Dr. Hertz (2)

But wait! We have been told the Talmud is the word of God, Oral Law handed down by God through Moses. Now Rabbi Dr. Hertz tells us Gershom and Maimonides improved on God's system, developing "law in the direction of greater equality between the man and the woman." Maimonides' suggestion — that if a woman finds her husband "repulsive," she can divorce him — sounds like divorce on demand to us. Were Gershom and Maimonides God made flesh? Or were they just human beings, altering God's blueprint?

If Talmud law can be rightly set aside, superseded, or improved by man-made law, Talmud law is not Divine. Talmud law must be in fact just man-made law. It has no claims to special consideration, and should be compared on its merits with other man-made law.

Women's Rytes?

Where are the Jewish feminists as all of this unfolds? In January 2000, the American Jewish Committee (AJC) sponsored *Dialogue 2000: 'Woman as Jew, Jew as Woman: Taking Stock at the Millennium'* (17) in Israel. As part of the symposium, leading American and Israeli feminists received the *Women Who Made a Difference Award*. The awards were made on January 26 in the Israeli parliament, the Knesset, in Jerusalem. The American women honored were:

956. Bella Abzug, former member of the United States Congress (In Memoriam)

957. Leona Chanin, Jewish communal leader

958. Betty Friedan, Author, The Feminine Mystique; Founder, National

Organization for Women

959. Ruth Bader Ginsburg, Justice, United States Supreme Court

960. Blu Greenberg, Orthodox feminist author and lecturer

961. Elizabeth Holtzman, former member of the United States Congress

962. Francine Klagsbrun, author and lecturer

963. Jacqueline Levine, Jewish communal leader

964. Letty Cottin Pogrebin, Author, Deborah, Golda and Me

965. Susan Weidman Schneider, Founder, Lilith

966. Virginia Snitow, Founder, U.S./Israel Women to Women

We were not able to find evidence that any of these women ever publicly took issue with the Talmud laws on women. How could women so self-consciously Jewish be so incurious about Jewish law?

Consider also the "Seder Sisters." The Seder Sisterhood was established in 1976 by Gloria Steinem and a number of other Jewish feminists. (16) The women designed their own Passover celebration, preserving the traditional form, substituting their own words and legends. In 2000, the Jerusalem Post issued a Women's Seder supplement. In part, it said:

> In the traditional Haggada, women are not mentioned, so the women's Seders use specially written Haggadot that focus on the role of Jewish women in the Exodus and in Jewish history, and adapt rituals to be specifically meaningful to women. In this Exodus tale, Miriam, the sister of Moses, is more significant than her brother. Special versions of "Dayenu" address women's concerns. The ritual four cups of wine honor four Jewish women.
>
> In lieu of the questions from the four sons, there are questions from four daughters. And the plagues, from which women are spared, include poverty, homophobia, infertility, breast cancer, domestic violence, and recalcitrant husbands who refuse to give their wives a religious divorce. Instead of a cup for Elijah, each Seder table features Miriam's cup in recognition of Miriam and her well. Miriam is the "symbol of our redemption," says the Bergen Haggada, and her cup "can also anticipate the time when all people will be cherished as equals, a time when no one shall oppress another."

— Jerusalem Post (18)

The Seder Sisters would have served Jewish women better by directing attention to the Talmud. As Rabbi Rodkinson writes under the editorship of Rabbi Dr. I. M. Wise:

> … the Talmud is one of the wonders of the world … **It still dominates the minds**

> **of a whole people**, who venerate its contents as divine truth …

— Rabbi Michael L. Rodkinson (23) (emphasis added)

One does not have to come from an *Orthodox* Jewish background to be affected by the Talmud. Rabbi Dr. I. M. Wise was a pioneer of Reform Judaism and founder of three of its greatest institutions. Since he edited Rabbi Rodkinson's Talmud, it is very likely he shared Rabbi Rodkinson's opinion of the importance of the Talmud.

The Universal Jewish Encyclopedia tells us:

> As a repository of the Oral Law, the Talmud's authority is regarded as divine by Orthodox Jews, and hence it is held to be binding and immutable. **Conservative and Reform Jews**, however, do not recognize the absolute binding power of the Talmud, although they **acknowledge the great part it has played in determining Jewish religious ideas and observances**.

— Herschel Revel, for *The Universal Jewish Encyclopedia* (22) (emphasis added)

> The Bavli [Babylonian Talmud] has formed the definitive statement of Judaism **from the time of its closure to the present day**.

— Rabbi Dr. Jacob Neusner (21) (emphasis added)

> If the Bible is the cornerstone of Judaism, then the Talmud is the central pillar, soaring up from the foundations and supporting the entire spiritual and intellectual edifice. **In many ways the Talmud is the most important book in Jewish culture**, the backbone of creativity and of national life. **No other work has had a comparable influence on the theory and practice of Jewish life, shaping spiritual content and serving as a guide to conduct**.

— Rabbi Adin Steinsaltz. (19) (emphasis added)

So … Jews from across the spectrum acknowledge the great part the Talmud plays in determining Jewish culture. Could Jewish women who feel badly used by men be reacting to their own culture and upbringing? Jewish feminists are also silent.

Social reformers should select the right target. *If the tire is flat, don't kick the cat.* Those who propose to reform society should identify the source of the doctrines they oppose.

Conclusion

Consider what we now know about Talmud law on women. Review Sex with Children by Talmud Rules, Talmud Laws of Menstruation, Jewish Harems in Talmud Law, Really *Really* Kosher Sex, and Talmud Daughters Become Talmud Wives. Do we really want to use Talmud-based law in America?

* * *

Further reading:

- *Kabbalah: An Archetypal Interpretation Jung and Kabbalah*: http://www.newkabbalah.com/Jung3.html cached at http://www.come-and-hear.com/editor/freuds-gold-mine

Thank you for your consideration of the above,
Carol A. Valentine, Ear@Come-and-Hear.com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_7.html)

Endnotes:

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http://www.come-and-hear.com/download

Title: *And So a Talmud Marriage Ends*
URL: *http://antimatrix.org/Convert/Books/Talmud/editor/america_7.html*
Version: *March 13, 2004*

Footnotes: Full specifics for each of the printed sources are provided in the Bibliography. Outside URLs were valid at the time this article was written. However, be mindful that URLs do change.

967. Talmud Daughters Become Talmud Wives can be found at http://www.come-and-hear.com/editor/america_6.html

968. *Babylonian Talmud,* "Foreword by the Very Rev. the Chief Rabbi," page xix available at http://www.come-and-hear.com/talmud/nashim_h.html#xix

969. "The Happy Aguna," *The Jerusalem Post*, December 24, 1999, republished by *Max Morrison Legal Aid* http://www.letalid.org.il/happy.htm cached at http://www.come-and-hear.com/editor/agunot/legalaid9
Other cached stories of the *Agunot* women in Israel:

- Haaretz.com: Give and take - and finally, get
- Jerusalem Post: 'Agunot' protest for the right to get a get
- The Max Morrison Legal Aid Center: Can a husband retroactively void a get which was given in the rabbinical court, in front of the rabbis, on grounds of duress?
- The Max Morrison Legal Aid Center: A dramatization raises funds for Advocates to help women free themselves from bad marriages.
- The Max Morrison Legal Aid Center: "HaDin VeHadayan" - the Law and it's Decisor
- The Max Morrison Legal Aid Center: Jerusalem Family Court Case 00/3950
- The Max Morrison Legal Aid Center: The Jerusalem Report: Sue the....

- The Max Morrison Legal Aid Center: Newsflash, October 2002: Ohr Torah Stone's Legal Aid Center and Hotline has just wrapped up a case that had been mired in the courts for over seven years
- The Max Morrison Legal Aid Center: No Exit: Jerusalem organizations are working to ease the plight of "agunot", women denied divorce.
- The Max Morrison Legal Aid Center: To Break the Chains: A dramatization raises funds for Advocates to help women free themselves from bad marriages
- The Max Morrison Legal Aid Center: YAD L'ISHA: Legal Aid Center and Hotline for Women
- Midreshet Lindenbaum: Agunot Allowed for the First Time to Sue Husbands for Damages in Israel's Civil Courts
- Midreshet Lindenbaum: "The Happy Aguna", by Barbara Sofer
- OHR Torah Stone: A New Chapter of Freedom
- OHR Torah Stone: Landmark Legal Decision Promises to Aid Agunot
- OHR Torah Stone: Looking Around: The Esthers among us
- OHR Torah Stone: Women Advocates Push the Halachic Envelope

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972. "Jewish law institute launched in DC," *Jerusalem Post*, November 9, 2002, http://www.jpost.com/servlet/Satellite?pagename=JPost/A/JPArticle/ShowFull&cid=1036830287246, now moved to http://pqasb.pqarchiver.com/jpost/index.html?ts=1042784008 cached at: http://www.come-and-hear.com/editor/cp-jp-11-09-2002
Also: "Jewish Law Comes to D.C.," *The Jewish Week,* January 8, 2003, http://www.thejewishweek.com/news/newscontent.php3?artid=7074 cached as http://www.come-and-hear.com/editor/cp-jw-01-08-03

973. "Introduction," by Rabbi Dr. H. Freedman, Tractate Kiddushin, page vi (not available at Come and Hear™)

974. "What Do Reform Jews Believe? What Do Reform Jews Do?," adapted from the pamphlet entitled "What We Believe... What We Do..." prepared in 1993

by CCAR President Rabbi Simeon J. Maslin, *What Is Reform Judaism*: http://rj.org/rj.shtml cached at http://www.come-and-hear.com/editor/br-reformj

975. "Introduction," Tractate Kethuboth, by Rev. Dr. Israel W. Slotki, page xi available at http://www.come-and-hear.com/kethuboth/index.html#xi

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977. "Gimme a Kiss," *Jewish Film Festival*, http://www.sfjff.org/cgi-bin/sfjff_resource.pl?titleID=1239

978. *Everyman's Talmud*, page 165

979. "Sidebar," *DuPage Association of Women Lawyers,* http://dupagewomenlawyers.org/feb.htm

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Rabbi Dr. Isidore Epstein describes life under Rabbis, ruled by Talmud Law. It is a fascinating picture of Jewish society during the first centuries of the Christian Era, and an intriguing projection of the New America under the Talmud.

INTRODUCTORY ESSAY
by
THE EDITOR

Social Legislation in the Talmud

[page i] This essay, which appeared originally as a *Torah Va'Avodah* publication, first in 1946 and then in a revised and enlarged form in 1947, has now been again revised and enlarged and, by reason of the relevance of much of its subject matter to the tractate Baba Mezia, has been included in this volume. The Publishers wish to record their appreciation to the Bachad Fellowship for their kind co-operation.

[NB: This essay is contained in the prefatory pages of the 1962 printing of the Soncino Hebrew-English Edition of the Tractate Baba Mezi'a]

THE RELIGION OF ISRAEL

In the earliest accounts of Israel and Judah, when yet the twelve tribes were warring with each other, we find leaders who proclaimed that God is and must remain the sole ruler of the tribes and that through the government of the Lord, Who is One and Everlasting. the unity of the individual and the nation must be found.

This only God and Supreme King had spoken to them at Sinai through the Law and continued to speak to them through priest and prophet. What He said and commanded was gathered up in books, which became the Book—the Bible—by which their individual and corporate life was to be guided. Thus arose and developed the religion of Israel. Grounded on the Book and centred in God, it was not like the Roman religion, the creature of the State, nor was it ever to derive its inspiration from political feeling. For the Jews, religion itself was to be an independent and positive source of inspiration and its acceptance the chief foundation upon which the Jewish state was to rear itself.[1]

THE WRITTEN AND UNWRITTEN LAW

But surrounding nations surged against them. Conquering Empires rose and fell. Israel was taken captive and disappeared from history as a separate whole. Judah too fell a prey to Babylonia, but was restored after Babylon fell to the Medes and Persians. Thus began within Judah a centuries long struggle for the inviolability of the Book. Its laws, precepts and ordinances had to be interpreted both literally and spiritually. The change in their environment could not be neglected. Beside the Written Law, there had been from the first, from the divine commandments to Moses onward, an unwritten Law which law-giver and prophet sought to engrave on the hearts of the people. The Written and Unwritten both must co-operate in the guidance of Jewish people struggling against the inrolling civilisations of Greece and Rome, the unwritten being the dynamic factor of change, the written the abiding fundamental factor.

THE TALMUD

Thus began the Talmud, mainly oral at first. Teacher succeeded teacher in synagogue and school. Their sayings and rulings based on the Book were treasured. The Sadducees, representing the extreme latitudinarians in life, opposed the continuous interpretation and reinterpretation of the Law to meet changing circumstances. They failed and disappeared. The Pharisees who provided the chief teachers of the Law succeeded and remained, and the Talmud is not the least of their achievements.

Then came to the Jewish people with the year 70 the most severe blow of all. Jerusalem was captured by the Romans, the Temple razed to the ground, and the Jews were dispersed throughout the world. Their surroundings had indeed changed—fundamentally changed—but their conception of God as sole ruler had not changed; and although the state had been annihilated and the people had often to flee from one place to another, they continued to cherish with increasing tenacity the Book and the traditions which past centuries had shaped, and which had as goal the realization of the divine will through the singleness and unity of all powers of the common life.

With the transformations in their surroundings and conditions, they were confronted with new dangers, new problems and new difficulties. Re-adaptation and re-interpretation of the Book to meet the kaleidoscopic changes in their situation, became more necessary than ever, and leaders arose to continue the work of past generations. Thus the Talmud, the written story of interpretation; of making of by-laws, and of adding to the store of Jewish legislation, grew rapidly during the early centuries of the Christian era. Babylonia was playing its part during this growth as well as Palestine where Jewish teachers were yet able to find temporary shelter. Thus arose the two versions of the Talmud—the Babylonian and the Jerusalem—in which are chronicled the national experiences of the Jewish people extending over a period of several centuries; and the presentation of some aspects of the social legislation enacted during that period is the attempt made within the restricted limit of these pages.

SOCIAL RIGHTEOUSNESS AS AIM OF COMMUNAL ORGANIZATION

As preliminary to the main subject, it is necessary to sketch briefly the constitution and organization of the Jewish communities in respect of whose needs the talmudic social legislation was enacted. With the Torah as supreme guide in communal life, the primary end and aim of communal organization had moral and religious purposes. This does not mean that the economic and social functions of organized society were ignored. But it does mean that all was looked upon as subordinate to the moral functions. In other words, morality was made the dominating factor of communal life, and the underlying principle of all legislation regulating social and economic relations. This will be particularly seen in the personal responsibility which the community enforced on each of its members in matters of social righteousness. With the result that the Jewish communities were able to exhibit, even under the most untoward circumstances and environments, a moral enthusiasm and passion for social justice to which communities of enlightened European

states but rarely testify.

THE COMMUNITY

A community has been defined as a collection of institutions rather than a collection of people occupying a more or less defined area. It is that which is final and decisive in distinguishing the community from other social constellations.

The same can be said to have been the distinctive feature of the [page ii] Jewish town. Before a locality could enjoy the status of a town, it had to possess at least ten institutions of social, cultural and occupational character. A Court of Justice, a Charity Organization, a Synagogue, a Public Bath, a sanitary convenience, a physician, a surgeon, a notary, a ritual slaughterer, and a school teacher.[2] Round the town were grouped the various suburbs and villages which were in all matters dependent on the town.

Residing in the town were its own citizens, people domiciled or possessed of land within its boundaries, and strangers who took up temporary residence and possessed no property. The qualification for citizenship was 12 months' residence. This was an easy qualification considering the importance of the rights and privileges of citizenship.

COMMUNAL ADMINISTRATION

The administration of the Community was generally in the hands of a Council, consisting of a minimum of seven officers *(shibe'ah tube ha-'Ir)* duly elected by the citizens *('aneshe ha-'Ir)*. Where non-Jews formed part of the community, they were called upon to administer the affairs together with the Jewish representatives.[3] This Council constituted the Executive, who had charge of all the affairs of the Community, and without whose direction nothing could be done. They had also in a sense legislative power, with the right to enact, regulate and fix local customs, which in turn became part of the life and being of the Community. Their powers, though considerable, were circumscribed by the Torah. No law, regulation, or enactment of theirs had any authority save as being in accordance with the law of the Torah, and had no validity except in so far as it bore this character. This was guaranteed by the presence of the Rabbi appointed in Palestine by the *Nasi,* and by the *Resh Galutha,* the Exilarch, in Babylonia, who stood at the head of the Community and in whom was vested the power to veto any measure which he considered contrary to the law. This essential prerequisite authorization and sanction by the representative of the Torah impressed on all communal legislation a divine stamp, and all enactments passed by the Jewish Communities were no longer regarded as man-made, but became identified with the law of God—and thus secured the voluntary allegiance of all God-fearing men and women.

Although the constitution of the Community was, as will have been seen, essentially democratic, the minority could in certain matters, by appealing to a higher authority, secular or spiritual, force the majority to yield to their demands. Thus we read that the minority could compel the rest of the Community to share in the building of a wall for the

town, in the erection of a synagogue, and in the purchase of scrolls of the Law and the Prophets.[4]

FUNCTIONS OF THE EXECUTIVE AND COUNCIL

The real Executive power, however, was vested in the hands generally of a triumvirate called 'parnasim', appointed for their learning and distinctive merits, rather than for their wealth. In order to avoid corruption, two brothers were not allowed to have seats on the Executive.[5] If by any chance, however, two brothers were elected they were allowed only one vote.[6]

Much honour and dignity was attached to the office of Parnas, and the Parnas was to avoid anything which might tend to lower his respect and prestige in the eyes of the members. Thus, no Parnas in office was permitted to do manual labour in public,[7] and in Palestine the Rabbi inducted the Parnasim into office by presenting them with a *Sefer Torah,* as a token of the Divine ideal that was to inspire and govern them in all their activities.[8]

The Council had multifarious duties, ranging over all kinds of communal service and endeavour. They administered the funds, apportioned taxation, supervised trade and commerce, disposed of communal property, fixed and controlled prices and weights and regulated wages of workers. They further enacted police regulations, provided for the administration of justice, enforced fines, applied the sanctions of the ban of excommunication, organised forces for the protection of the town, and attended to the spiritual needs of the people by arranging the statutory and special divine services and supervising the teaching of adults as well as children.

THE COMMUNAL OFFICERS

The council operated through a body of officers. There were the officers of weights and measures *('agardemim*[9]*, ba'al ha-shuk*[10]*)*, whose function it was to test and seal weights when found accurate. They also supervised and controlled the price of commodities as fixed by the Council. For this office only men of the highest probity and strictest integrity were appointed. Cases of attempts at bribery by unscrupulous and wealthy merchants were not unknown, and only men whose character was proof against all taint of corruption and graft were entrusted with this task.[11] These inspectors also examined the quality of the food for sale. In case of wine they would taste the liquor through a straw or tube, or from a cup.[12]

There were also field surveyors who supervised transactions in landed property. They had to see that the measuring rod was according to standard, and also that the boundary lines between neighbouring fields were kept intact.[13]

The Community also had house surveyors who were to advise householders to attend to repairs whenever considerations of public safety made this necessary,[14] as well as road

surveyors who were required to attend to the roads and see whether they were in a fit condition, and to issue orders accordingly.[15]

For the protection of the town against assault there were provided special guards who had to keep vigilant watch and warn the residents against any impending dangers. Guards on horseback were continuously riding round the city to see that all was in order.'[16]

There was also a general police force which exercised rigid control over the moral, social and religious life of the people and maintained strict discipline within the community, and special elders were appointed to check frivolous behaviour at banqueting places.[17]
[page iii]

COMMON PROPERTY AND UNDERTAKINGS

The sense of solidarity in the life of the townsmen was expressed and strengthened by a number of common undertakings, including undertakings of a commercial character carried out on a co-operative basis with a pooling of resources and profit;[18] and by the possession of no little town property from which the great body of citizens derived considerable benefit. There were public fruit trees from which all citizens were allowed to pluck. They could even take them home and eat them, provided there was no hoarding nor conserving.[19] There were also common pasture grounds and woods on which citizens could send their cattle to graze.[20]

The common property was equally at the disposal of all citizens. There was no claim to priority, nor discrimination. The right to the use of the common well was likewise shared by all townsmen. It was, however, restricted to drinking purposes, but did not extend to the requirements of industry, such as washing and scouring wool. As to the needs of washing clothes and personal washing, these were provided for in special containers.[21]

The larger sense of humanity transcended the confines of the town and even strangers shared the use of the common property. This was particularly the case with the pastural grounds on which also outsiders were allowed to feed their cattle. All likewise were permitted to gather shrubs and grass in all places, by force of an ancient enactment ascribed to Joshua.[22]

All roads were, of course, included among the common property and open to the free common use of all; but the public had in addition the right to use paths leading through private fields before the seeds began to sprout;[23] and a private path in public use for some time could not be obstructed .[24]

The common property was the inalienable possession of the townsmen. To illustrate this principle, the Talmud relates the following incident. A certain *Hasid*[25]observed a man clearing stones from his own field and depositing them in the public road. 'Wherefore dost thou remove stones from a domain which is *not* thine to a domain which is *thine,'* the Rabbi asked. These words of reproof were greeted with scorn by the man, who failed to grasp their significance. After some time, this man, finding himself in financial difficulties, was obliged to sell his field, and, in search of a buyer, he happened to pass

that same street and stumbled painfully over the very stones he had deposited. Then there dawned on him the meaning of the Rabbi's words with their full force and he exclaimed, 'How truthfully did the *Hasid* speak, when he said to me, "Wherefore dost thou remove stones from a domain that is not thine, to a domain that is thine."[26]

As inalienable public possession, the common property could be used by every individual, provided this did not involve any appropriation of, or interference with, public access. No one was therefore permitted to place or cause an obstruction in the street or act in a way that would cause inconvenience to those who use it. If anyone happened to place an object in the street and failed to remove at after due warning was given, he forfeited all claims to it.[27] If one had a tree on his private ground overhanging the street, he was required to cut the branches off at a height that would enable a camel and its rider to pass under it unmolested.[28] Threshing floors had likewise to be set up at a distance from the city so that the wind might not carry the stubble into the city to the annoyance of the residents.[29] Nor was any digging allowed even on private ground, where it extended under a public domain, without special permission from the authorities, who would, on granting, enforce the necessary regulations that would ensure the safety of the road to heavy traffic no less than to pedestrians.[30]

PRIVATE PROPERTY RIGHTS

Though the rabbis recognised private property rights, these were governed essentially by social considerations, and only in so far as it provided a basis for social peace and welfare, and for a better ordering of human affairs, was the claim of the possession of property justified; and when it was to serve the public interest this claim might, by the properly constituted authority, be modified or suspended altogether.[31]For a man to refuse to others the use of what he possessed, simply on the ground that what he held was his own, was a conduct for which the Rabbis of the Talmud could find no sanction. They considered that provided there was no loss, nor damage involved to the proprietor, others too were entitled to avail themselves of the advantages and benefits which private property could offer. 'Behold,' said they, 'if, at the end of the harvest season, when the field is cleared of all crops, the owner does not permit the public to enter his field, what do people say of him? "Look at the man, what benefit does he derive?"[30] Such a dog-in-the-manger attitude was regarded by the Rabbis as indefensible. They declared it typical of the people of Sodom who stood strictly by the principle of each for himself, and whose motto was 'What is mine is mine and what is thine is thine'. Against such an attitude. the court would not hesitate to resort to coercion;[31] and as is evidenced by the number of measures affecting the whole sphere of social and economic life, recorded in the Talmud, the Rabbis endeavoured to ensure not only the rights of the public in regard to private possessions, but also the social duties attached thereto.

THE BIBLICAL CONCEPTION OF PRIVATE PROPERTY

This rabbinic attitude to private property is based on the [page iv] fundamental biblical

principle that whatever man has, he holds from God: 'For all things come of Thee, and of thine own have we given Thee' (I Chron. XXIX, 14). Such property is conceived in terms of a Divine trust, in which no man can claim exclusive rights. While those appointed by God as trustees have their own specific rights of use and enjoyment, there still remain common rights to be shared by others in virtue of the Divine ownership.

It was this principle of Divine ownership on which rested the biblical laws designed to ensure the common rights of the poor to the land. In ancient Israel, those who could not earn enough were provided for by the precepts of the Torah regarding the reaping of the harvest. The landowner, while enjoying the reward of his diligence, had to recognise that others too had a right to live and that he had duties towards them to enable them to live.

The ethical principle underlying these precepts is quite clear. Its meaning is that the earth created by God as well as all the gifts of nature can never become altogether private property. It is handed out in trust to man, who by the sweat of his brow, brings out its produce. The right and the duty to apply his diligence to the land is the only relationship permitted him by the spirit of the Torah. Beyond this relationship stands the eternal truth that 'the earth is the Lord's and the fulness thereof' (Psalm XXIV, 1). It is from Him that man has received the land, and it is from Him that mankind derives common rights in the land; and in the olden days, the common property in the gathering of the harvest was an example of these common rights.

In the same spirit were the laws of the Sabbatical Year *(Shemittah)* ordained. Designed to confirm the landless poor in their right to live, 'the Sabbath for the land unto the Lord' (see Lev. XXV. 2) served to teach that the produce of the land must not be regarded as absolute private property of a select class, but was at least part of a common divine heritage in which the poor, the alien and the slave and even the criminal have a share.

This principle of the Divine ownership of the land was further enforced by the biblical law of the Jubilee. If a Jewish landowner sold his land, it came back to him or his heirs with the advent of the Jubilee Year. The object of this law was to prevent land from becoming concentrated in the hands of a few, to the impoverishment of the masses. But the underlying principle was that of the Divine ownership of the land. As the land did not actually belong to its human owner, it was not in his competence to sell it. This so-called owner of the land was given only the opportunity of putting it to good use. Having failed in his charge, he was obliged to surrender his function to another person, the original reservation ever remaining in force; and after the lapse of a certain number of years, with the advent of the Jubilee, his rights as first owner were automatically restored to him, and he was given a chance of cultivating his trust.

CONTROL OF PRICE

The Rabbis, actuated by the same ethical and religious motives governing private property rights, applied them to the whole range of social relations. This is particularly noticeable in the rigid control exercised over the price-fixing of commodities and the penalties attached in cases of contraventions. In Roman Law, price was entirely a matter

to be determined by free contract. It was left to the two contracting parties, the buyer and the seller, to agree upon the price at their own risk, subject only to the limitation that the seller was bound to reveal faults and defects, interfering with the proper enjoyment of the things sold. Paulus, a legist of the third century, stated that, in buying and selling, a man has really a natural right to purchase for a small price that which is really valuable and to sell at a higher price that which is less valuable, and each may seek to over-reach the other.[34] What appeared to Roman Law natural and right was in the eyes of the Talmudic Law unethical and wrong. Basing themselves on the biblical law in Leviticus, 'If thou sellest aught to thine neighbour, or buy of thy neighbour's hand, ye shall not wrong one another' (Lev. XXV, 14). Jewish magistrates regulated the relationship of buyer and seller on quite a different basis than that of contract. For them it was determined by social considerations and based on ethical principles; and thus they developed and enacted a number of legal provisions that safeguarded the interests of both parties. They not only limited all profits, but fixed the amount which constituted in each case, according to the nature and circumstances of the transaction, a charge of fraud and the penalties attached to it. In general cases the overcharge of more than one-sixth above the market price was considered sufficient to cancel the sale; where it was exactly one-sixth, the buyer could recover the excess; though an overcharge of less than a sixth was not actionable.[35] And not only was the buyer protected against fraud, the seller too could find a remedy where he had been through one cause or another cheated out of his wares at a lower price.[36]It becomes clear that in a system where such laws and regulations were in force, the ideas about rights, of property were quite different from those that predominate today.

SALE OF FOOD

In many communities, the prices were fixed not at individual discretion, but were corporately determined with a view to safeguarding the standards of life of the consumers; and while in some cases the profit of more than one-sixth of the cost price was permissible, in the case of eatables it could not exceed one-sixth.[37] For the same reason provision was made cutting out the middleman's profit in the case of eggs which constituted one of the most important articles of food in Palestine.[38] The export trade was likewise regulated on the same principles, and no food on which the general livelihood of the community depended, such as wine, oil and fine flour, could be exported from Palestine; although it might be mentioned that one authority. Rabbi Jehudah ben Bathyra, would make an exception in favour of wine, because its export, he claimed, would diminish the resultant evils of intoxication.[39]

MEASURES AGAINST FORESTALLING

Rules of the most far-reaching consequences were likewise enacted to prohibit forestalling or any action which prevented goods from being brought by the producer to the open market. The forestaller, buying them wholesale outside the town or in the market itself, would by creating a corner, secure a monopoly and command a higher price than would otherwise have been paid. Such practices, though forbidden by means of an

enactment, were not easily [page v] enforced. The Talmud mentioned with execration a certain Shabbatai who practised forestalling.[40]Such abuses must have been quite common; and public-spirited individuals would step in where the hand of the law could not reach. The father of Samuel, for instance, we are told, in order to defeat the scheme of forestallers, used to buy grain at the harvest time, thus preventing anyone else from securing a monopoly, and then resell the grain at the same price. Samuel, the son, on the other hand, used to store up the grain he bought at harvest time and keep it until the price became higher, when he would release the grain at the price of the harvest time and thus force prices down. And from Palestine a message was sent: 'The action of the father is more meritorious than that of the son'. Whereas the action of the father prevented a rise in the prices altogether, those of the son did not have the same effect, as his act was not likely to bring the prices down after they had already attained their level in the market.[41]

CONTROL OF WEIGHTS AND MEASURES

In addition to controlling prices, the authorities controlled also the measures and weights. Numberless regulations were laid down to ensure that the buyer was not defrauded by any inaccurate measure or weight. All measures had to be cleaned periodically according to the purpose for which they were intended. Wholesalers had to clean their weights and measures once a month, shopkeepers twice a week. Provision was likewise made for the height at which the scales were to be suspended from the ground, as well as for the length of the cross-bit. The nature of the weights was similarly provided for. Weights were not to be made from metal, because they wore out easily, only from granite, stone and glass.[42] These measures, it might be mentioned, were made in the interests of justice, rather than for the sole interest of the citizens. This is clearly illustrated by the regulation that no weight could be enlarged by more than a sixth; and the reason suggested for this enactment was to protect merchants, coming from outside to dispose of their goods, against any loss. If, for instance, an outside seller, unaware of the increase in the capacity of the weights and measures, sold his wares at the fixed profit of one-sixth, he would still suffer no loss on the cost price, provided the change did not exceed one-sixth.[43]

QUALITY OF WARES

The authorities were not content with having to provide society with mere fitting instruments of trade. They felt bound to regulate every sort of economic transaction in which individual self-interest might lead to injustice, and they determined to see that only such articles were sold as were of good quality as well as of good measure. Store-keepers were not allowed to give their wares a delusive appearance by displaying the best quality on top and placing the inferior below. Nor was it permitted to renovate old furniture and sell it as new. Animals for sale were not to have their appearance improved by being brushed up or drugged so that they might appear young. [44] An in this connection an interesting story is told of a slave who dyed his hair and beard and offered himself to Raba for sale. Raba turned down his offer with the saying, 'Let the poor be the members of thy household', meaning I would rather have a poor person perform my household

service. When he came to Raba Papa b. Samuel, he bought him. One day when ordered by his master to bring him a drink of water, the slave went and washed away all the dye of his hair and appearing before his master exclaimed: 'See I am older than your father.' Thereupon R. Papa applied to himself the verse in Proverbs (Xl, 8) 'The righteous (meaning Raba) is delivered out of distress and another (namely, himself) cometh in his stead."

A strong administrative system was created to assist the authorities in enforcing their regulations. There were special agents, *agoranomos,* market-commissioners, who supervised and tested the quality of the food, liquors and other articles offered for sale, and who controlled the measures and weights. As to prices, custom varied. Whilst in Babylonia they were fixed and controlled by the community,[46] in Palestine they were under no such control.[47]. They were rather allowed to find their own level, stimulating thereby—thus maintained these early economists—healthy competition. Rab on his arrival in the year 219 C.E. in Babylonia from Palestine was appointed by the Exilarch as market commissioner.[48] Clinging, however, to the practice in vogue in his homeland, he refused to supervise the prices and rather preferred to serve a sentence in prison, than to depart from his cherished economic principle. Samuel, his contemporary, on the other hand, fought against high prices; and on one occasion when dealers in earthenware took advantage of the adopted law disallowing the use of all *hametz* earthenware vessels that remained over the Passover, and charged exorbitant prices for their goods, Samuel threatened them that unless they reduced their prices, he would modify the law in favour of the opinion that declared the use of such utensils permissible after Passover.[49] He dealt in a like manner with dealers in myrtle for the *lulab,*[50] and cautioned them to make their charges reasonable, failing which, he would declare himself in favour of Rabbi Tarfon's view that permitted, for the purpose of the ritual, myrtles which had their tips broken off, instead of the adopted practice that demanded the tips of the myrtles to be whole and unbroken.[51]

RESPECT FOR PRIVATE PROPERTY RIGHTS

But apart from the social considerations which, in Talmudic legislation, govern the property rights of individuals, man's lawful possessions were safeguarded by a number of strict laws and regulations. This is particularly seen in the law which considers the unauthorised use of any property belonging to another to be the equivalent of robbery, rendering the offender liable as such for any loss or deterioration suffered by the property even through an unavoidable accident *(force majeure).*[52] Even more stringent is the law in the case of a bailee, in that he becomes liable for any loss or deterioration or destruction of the subject-matter of the bailment from the [page vi] moment he lifts it up with the intention of using it, even if he does not actually make use of it, because having undertaken a duty towards the owner of the property, he is guilty of a breach of trust which makes him more easily an offender than a non-bailee.[53] And not only is the bailee responsible for such an act, but even if he merely told another person to use it, he becomes responsible for any loss suffered by the bailment, notwithstanding the rule that no man can be made liable for an offence conamitted by another.[54]

Related to these regulations is the prohibition to deprive a man directly of a customer, or to buy what someone else is negotiating for. 'If a poor man (for example) is examining a cake (to buy it) and another man comes and buys it, he is called a wicked man.[55] Included in this prohibition is to interfere with another person's livelihood or encroach upon his trade;[56] and early Talmudic legislation forbade one who was not a resident of a street or alley to open up there a trade which was already exercised by a resident. Similar protection against competition was extended even to fishermen. Although they plied their trade in rivers, in which, as common property, all men had equal fishing rights, they were protected against the interference of each other with their respective catches. Fishermen were thus ordered to remove their nets for a certain distance from the spot where another fisherman had already spread his net, with a good chance of catching a fish which had been attracted by his bait. The only profession which was not thus protected was that of schoolmasters, competition in their case being considered very healthy because 'the rivalry of scholars incrcaseth wisdom.[57]

RIGHTS OF WORKERS

How little Jewish ethics were influenced from the earliest days by the idea of absolute property is already reflected in the position of the non-Jewish slave in ancient Israel. Even a slave was not recognised as an absolute possession. He was never to become a thing. The smallest injury to his body gave him his freedom. If he ran away, nobody was entitled to deliver him back. In Job the full right of the slave to the support of the law is upheld, and the moral basis of his liberation is laid: 'If I did despise the cause of my manservant (slave) or maidservant, when they contended with me: what then shall I do when God riseth up? and when He visiteth me, what shall I answer Him? Did not He that made me in the womb make him? And did not one fashion us in the womb?' (Job XXXI, 13-15). In an epoch when social conscience was yet unknown, even in those restricted parts of the world which represented a certain degree of civilisation, Jewish ethics proclaimed in no uncertain accents full equality of social standards even of slaves, embodying this principle in the various rules and regulations governing slaves and master. It was forbidden to let slaves perform any degrading work, or work which was not absolutely necessary.[58] How far ahead is such an attitude in comparison with that of employers of not long ago who opposed twelve- and ten-hour working days on the ground that less than fourteen or sixteen hours' work per day would mean too much liberty and unhealthy leisure. Social equality of the slave demanded that he should rest on the Sabbath day even as his master rests, and that if made captive he should be ransomed even as a freeman is.[59] And Jewish ethics as far back as eighteen centuries ago formulated a programme of social security which cared for the disabled slave.[60]

The same social conception of property governed the relations between employers and employees. Property did not give owners the right to hire workers on their own terms. The wages were fixed with a view to safeguarding the workers' standard of life by the authorities, who drew up regulations as to the wages and hours of labour and other rights of the workers. In some communities, all this was regulated by guilds of artisans; and workers were permitted to call a strike *(Regi'a)* in defence of their rights.[61] In many

Palestinian communities, the working hours were fixed from sunrise to sunset; that is, a maximum of twelve hours. But in any case it was a fixed regulation that the time taken up by the workman in going to the place of labour was included in the working hours belonging to the employer, whereas the time needed for the labourer to go back home from his work was part of his own time and could not be deducted from his working hours.[62] The employer had no right to make the employee work longer hours than was customary in that locality, unless specially agreed upon, even if he paid him more than the usual rate of wages, it being implied that he gave him such an increase for his skill in performing better work and not for the purpose of longer hours.[63]

In their solicitude for the welfare of the workman, the Jewish communities while protecting him against exploitation, sought at the same time to safeguard his dignity and honour. They held with the poet Schiller that 'Man is created free; and is free even though born in chains'. For freedom was a divine gift which no Jew was entitled to barter away. "For unto me the children of Israel are servants (Leviticus XXV, $_{55}$)—and not servants to servants" is an illuminating rabbinic comment reflecting its attitude to the question of human freedom;[64] and this attitude lies behind many of the regulations governing the relationship between employer and employee. Thus, the workman by hiring himself out for the day could retract before the work was completed, provided he could be replaced, and his retraction would not involve the master in a financial loss.[65] In some places the employer had to furnish the workman with meals, the menu of which was regulated and which included in many cases dainty dishes.[66] This was apart from the biblical law which entitles the labourer, to eat *ad lib.* of the produce on which he happens to be engaged, even to an amount exceeding his wages; though the Rabbis advised the workman not to be greedy and thus find the door of employers closed against him.[67] The employer, however, could not discharge his liability to the worker by making him accept, in lieu of his wages in money, a payment of equal value in kind.[68] The wages, being his living, the workman was permitted in case of the employer's default, to enter his house and seize an article as a pledge for his wages—something which, as will be seen anon, a creditor was not allowed to do.[69]

PAYMENT OF WAGES

The wages of the workmen had to be paid according to biblical law within a fixed time. 'There shall not abide with thee the wages of him that was hired, through the night until the morning.' thus runs the biblical command (Lev. XIX, 13). The purpose of this law, which is repeated with different wording in Deuteronomy XXIV, 14-15, is evidently to spare the workman, who waits for his earnings to buy food, the distress caused by any delay in the payment of his wages. This fact is recognised in modern business in which it has become the practice to pay employees every week, whilst casual [page vii] labour is paid by the day; and the Talmud contains detailed provision as to what are the limits of time, according to circumstances and the nature of the work, at the end of which the owner, having failed to pay his workman, is guilty of violation of the command. If, for example, he is a day labourer, he must be paid during the night following the day of his employment; if he is a night worker, he must have his wages paid within the day

following the night of his employment.[70] Within these limits of time, the labourer, in case of a dispute as to whether he has been paid, was entitled to collect his wages merely on oath, and had no need to produce any other evidence. But after the expiry of the time limit, he would have to bring definite evidence to prove his claim, because the presumption is raised that every employer is honest and would not defraud his workman, nor violate the command that enjoins payment within a fixed time.[71]

RIGHTS OF EMPLOYERS

The Talmud knows of no class legislation favouring one section at the expense of the other: all are alike in the eyes of the law, master as servant, employer or employee; and the interests of the masters receive as much consideration at the hands of the Talmudic legislators as those of the labourers. Though, as has been seen, there was no law compelling a worker to remain on his job, the interests of the employer were safeguarded by the provision that the workman had to find a substitute before he could leave his master's employment, or that the employer suffered no loss through the workman's retraction. Furthermore, even were the workman to have engaged himself to work for the employer by mere parole, if he retracts the employer may engage other workmen even at a higher wage than the one agreed upon, and charge the difference to the employee.[72] They further sought to impress on the worker the duty of serving his master with fidelity and honesty and of cherishing, on the principle 'time is money', every moment of his employment, which to waste would amount to robbery. Workers were thus declared exempt from the punctilious performance of certain religious exercises where this might tend to interfere with their work. They were for instance to curtail the Grace after meals,[73] and were not required on reciting the morning *Shema* to get down from a tree or scaffolding on which they happened to be working at the time, but could say it where they stood.[74] Stringent and minute regulations were likewise laid down as to the remnants of material the worker might retain for himself. Whilst he was allowed the shavings taken off with the plane, the appropriation of chips taken off with the hatchet was forbidden to him. Nor was the tailor permitted to retain a thread longer than the size of a needle's square, or a piece of cloth that exceeded the size of three handbreadths.[75]

DEBTORS AND CREDITORS

The conception of inviolability of personal rights which, as we have seen, governed the relations of the workers and employers, is further illustrated by the legislation designed to protect debtors against grasping and oppressive measures on the part of their creditors; and a mere comparison with the Roman system in this connection leaves no doubt as to the highly ethical principle which determined the treatment of the debtor in the Talmudic system. In Roman law the borrower was bound hand and foot to the lender, if he failed to repay him the money lent; and where the debtor could not repay his debts, the creditor could, by applying the praetor, obtain full powers over the person of the debtor by forcing him into slavery either for his own use, or for sale in the market; and despite some later laws that mitigated the plight of the debtor, his enslavement to the creditor was in

practice right down to the age of Justinian.[76] Now, such rights over the person of the debtor were never recognised in Jewish law. Not only could the creditor not force his debtor into slavery but even his right of taking a pledge was restricted. He could not deprive the debtor of any implements which he required for earning a livelihood, or of any household utensils needed for the preparation of food or his bedding, and in no case would he take in pledge anything belonging to his wife or children. Nor was the creditor, out of consideration for the feelings and sense of self-respect of the debtor, ever allowed to go himself into the house of the debtor and take a pledge; and what is more, even the Court officer was not permitted to enter the debtor's house to take a pledge, but had to wait for the debtor to bring out as pledge any article he chose.[77]

BUSINESS LOANS

On the other hand, in order not to discourage through these restrictions people from advancing loans to those in need of money, a number of adjustments in the then existing law were made in favour of creditors. Thus it was enacted that creditors in collecting their debts from landed property, could insist on being paid out of the medium quality, despite the implied Biblical law that entitled the debtor to discharge his liability by referring the creditor to the poorest quality.[78] Again, whereas witnesses in all other monetary cases were subjected by the court to a thorough cross-examination and investigation' *(derisha wa-hakirah),* in cases-of indebtedness they were spared this ordeal.[79] It was, moreover, ordained that even laymen were competent to try cases of indebtedness, as against other monetary cases which required for their adjudication the presence of a qualified judge.[80] All these innovations and departures from the old law were prompted by the desire to facilitate creditors in the recovery of their debts so that, in the words of the Talmud, "prospective borrowers should not find the doors of the lenders locked before them."[81] Indeed, so much importance was attached to this consideration, that it was responsible for the institution of the *Prozbul* by Hillel which saved debts from the operation of the laws of the year of release, *Shemittah.*[82]

These enactments, though they served to safeguard to a certain extent the interests of creditors, were felt not to go far enough. In the absence of any measures to overcome the Biblical prohibition of interest which made money lending a non-lucrative proposition, lenders were not likely to advance money with all the risks attached thereto. But that is not all. The law of interest had from the earliest days been extended and made to apply to ordinary trading transactions. Thus all payment of money in return for the giving of credit, all bargains in which goods were sold at a higher price, higher than the real value, in consideration for the seller having to [page viii] wait some time before he was paid, were considered usurious. For it was regarded the same as if the seller were to charge usury for lending the goods themselves, or the amount of money which was just the price of the goods, to the buyer for the period during which the seller waited for payment. This extension of the law tended to check trading enterprises and commercial operations, no less than money lending transactions. Alive to the commercial needs of the community, the Rabbis evolved an instrument designated *Iska,* in virtue of which, broadly speaking, every sum involved in a loan, particularly when advanced for trading purposes, was

treated half as a loan and half as a trust, on which the lender was entitled to the larger share of the profits.[83]

SOME LAWS OF 'UPRIGHTNESS'

In case of a bankrupt whose property was sold by order of the court, the buyer of the property had to return the bankrupt his property whenever he was in a position to buy it back again. This enactment was based solely on the ethical principle, laid down in the Bible, in virtue of which the Jew is bid to do what is 'upright and good in the eyes of the Lord' (Deut. VI, 18).[84] Grounded on the same ethical principle of 'uprightness' is the rule which, in the case of the sale of landed property, gives the *Bar Misra,* the 'abutting neighbour' the option of the first refusal, as it is considered to the advantage of a person to have all his property adjacent to each other.[85] Akin to this and what is known as the rule of *Bar Misra* and determined by the same ethical principle is the rule of *god 'o agod* ('You cut or I cut'), which is applied to a partnership in a property, whether movable or immovable, which is too small to admit of partition. In such a case either partner can compel the other to sell his portion or to buy it from him, saying, 'Either you buy from me my share, or I will buy from you your share,' so that the whole will be in one ownership.[86] A number of regulations were also made to safeguard the interests of the trading community. Thus anyone who made purchase in the open market of an article which turned out to be stolen was entitled, on returning the property to its rightful owner, to recover from him the money he had paid for it, and the owner would then have to sue the thief for that amount. This might appear to have been hard on the aggrieved owner. Yet this ordinance, included among those known as *Takkanath ha-Shuk,* was most necessary, if the trading wheels were to run smoothly, as otherwise people would be loth to buy things for fear the objects offered for sale were stolen.[87]

WAYS OF PEACE

There were also a number of rules laid down in the interests of peace. If several people had cisterns along a watercourse, the owner of the cistern nearest to the river which fed the watercourse had the right to dam the flow so that his cistern be filled first. The catch of beasts, birds and fish was to be treated as property held in the valid ownership of those who set the traps even before they had actually come into their possession, and for anyone else to take the catch is accounted as robbery; and to take away anything found by a deaf mute, imbecile, or a minor, although these cannot legally acquire things, is accounted as robbery. All these and other similar rules were enjoined for the maintenance and promotion of public peace, in keeping with the spirit of the Torah, of which it is written 'Her ways are the ways of pleasantness and all her paths are peace.'[88]

WITHIN THE LINE OF LEGAL JUSTICE

Akin to the ethical principle of 'uprightness' which, as we have seen, had in some respects the force of a written law, was the principle of *lifenim mi-shurath ha-Din,* which urged a man to act 'within the line of justice' and to forego his legal rights in favour of his fellow man on whom the application of legal justice would inflict undue hardship.

An early example of the operation of this ethical ideal is told in the Talmud: 'Rabbah, the son of Hunah, engaged certain carriers to transport barrels of wine from one place to another. In handling the barrels, the carriers broke one barrel, spilling the wine. Their employer, Rabbah, seized their coats in order to secure for himself the payment of the damage. The carriers thereupon summoned him before Abba Arika who ordered him to return them their coats. "Is this the law?" asked Rabbah. "Yes", answered Abba. "In order that you may walk in the ways of good men" (Proverbs II, 20). The carriers then said: "We are poor labourers, we have spent the whole day on this work and now we are hungry and have nothing to eat." Abba Arika then ordered Rabbah to pay them their full wages. "Is this the law? asked Rabbah again. "Yes", answered Abba, quoting the concluding part of the cited verse, "and keep the path of the righteous"[89] Thus, though the law gave the employer the right to make the labourers pay for the damage caused by their carelessness, Abba ordered Rabbah to follow the rule of acting 'within the line of justice', and thus forego his claim in favour of the poor workmen.

Another Talmudic example which shows us clearly the meaning of acting 'within the line of justice' concerns the rule of lost property. Where such property was not reclaimed for some time, it fell, according to the law, to the finder. We are told however of a righteous man who declined to take advantage of this rule, but, acting within the line of justice, returned the find to the person who claimed it;[90] for though it did not legally belong to him any longer, he was still obviously in need of it.

PROTECTION OF TENANTS

Talmudic legislation also provided for the protection of tenants against the hardship of eviction. It insisted that no landlord could dispossess a tenant who rented a house for an unspecified length of tenure unless he gave him thirty days' notice in advance so as to enable him to find alternative accommodation. This applies only in the summer, but during the winter season—i.e., from the Feast of Tabernacles until the Feast of Passover—when it was extremely difficult to obtain vacant premises, the landlord could on no account dispossess the tenant, but had to allow him to continue to occupy the premises under the original terms of the tenancy. If, however, there had been an increase in house rents all over, the landlord might claim the higher rental; on the other hand, if there had been a decrease, the tenant could insist upon paying the lower rental. In large cities where it was difficult to obtain premises at all times, the minimum period of notice was twelve months. In the case of shops, whether in small towns or large cities, the period was likewise twelve months, in order to give ample time to the shop-keeper to collect his debts from his customers. For shops occupied by bakers or barbers, the period of notice was three years, since such tradesmen were accustomed to grant credit for long terms. At

the same time, anxious to protect the landlord against an inconsiderate tenant, it was ruled that the tenant must give notice of his intention to terminate [page ix] the tenancy on the same terms as he himself would expect—thirty days in small towns and twelve months in the large cities—so as to enable the landlord to find another tenant, and that if he fails to give such notice he must pay the rent.[91]

DISTINCTIVE FEATURES OF JEWISH CHARITY

Among no people in ancient history was there applied to the problem of poor relief, principles at once so humanizing and judicious as those that obtained in the Jewish communities of old. In charity work it is well to remember there is always a danger that, instead of alleviating distress, it might destroy the character of the recipient, and thus increase the misery which it was intended to alleviate. In order that charity should prove useful and beneficial, it is essential that benefit to the sufferer should be the real object of the donor. It is for this reason that the poor, in accordance with the Biblical law, had themselves to come and gather from the corners of the field or that which had been dropped in the course of the harvesting, and did not have the food doled out to them. They had, in other words, to work for what had been assigned to them as their share, and thus maintain their sense of independence and self respect. But this was studied neither by Rome, nor by the early Christian Church. In Rome there was, it is true, a good deal of gratuitous distribution by the state of corn and other necessities of life among the poor. But this charity was dictated by policy, rather than by benevolence. It lacked accordingly the fine discriminating sense between the really deserving and the greedy beggar. With the result that it became a direct encouragement to idleness and finally, as has been recognised, one of the chief demoralizing influences that led to the decay and the fall of the Empire. Nor was the blind and promiscuous alms-giving encouraged by the early Catholic church calculated to mitigate the worst effects of pauperization. By extolling the mere giving of charity into a source whence there flowed gifts of heavenly grace to the donor, irrespective of the needs and character of the recipient, it made charity a selfish acquisition of merit, with a more than common indifference to its results, withdrew multitudes from productive labour to a life of beggary and mendicancy, and produced poverty exceeding in a great measure the poverty it relieved.[92] Considering the system of poor relief that obtained in the Jewish communities, we find that in their administration and distribution of charity they sailed clear of the evils inherent in the Roman as well as in the early Catholic system. Though organised by the community, Jewish charity was inspired and dictated by humanitarian and social motives, regulated by the character of the recipient and determined by his needs. All relief was essentially looked upon as having for its object the alleviation of distress, without encouraging idleness and loafing. Applicants for relief, except in the case of food,[93] had their cases investigated, and due discrimination was exercised between the genuine poor and the professional beggar and impostor.[94] Judged by this aspect alone, the difference between Jewish poor relief and others is profound. But there is an additional aspect. The conception of charity as a contribution from every citizen towards the fulfilment of a common obligation, instead of a conception of alms given by one individual to another, is another distinguishing feature of the provision made by the Jewish community for the relief of the poor; and the

compulsory assessment for their relief which was introduced in Europe as late as the sixteenth century[95] was already in force in the Jewish communities as far back as the early centuries of the Christian era, if not earlier.

CHARITY ORGANIZATION AND DISTRIBUTION

Every community had a well organized charity institution in charge of specially appointed officers, collecting, administering and dispensing relief of different kinds. There was (1) the *Kuppah* (basket), the communal money-box, the contents of which were distributed every Friday among the local poor; (2) the *Tamhui,*[96] containing victuals for general distribution daily among strangers no less than the local poor;[97] (3) the clothing fund; (4) the burial fund that furnished the burial expenses of the poor. The qualifying period for compulsory contribution varied in each case, apparently in accordance with the scope and extent of the calls made on each fund. With the general fund, the *Kuppah,* the period was three months, the soup kitchen fund, thirty days; the clothing fund six months; and the burial fund nine months.[98]By these means the degrading system of house-to-house visitation was considerably obviated.

The administration of all the various funds was in the hands of charity overseers, three in number, two of whom acted as collectors and treasurers. The distribution, however, had to be supervised by all the three.[99] Detailed regulations were made for the distribution of the contents of the various funds. Only those who did not have sufficient means of subsistence for a week were entitled to receive support from the *Kuppah;* and from the *Tamhui,* only those who lacked food for the day. A poor stranger passing through the town would receive from the *Tamhui* food for at least two meals, with an extra meal for Sabbath. Where he happened to stay overnight, he would be provided with sleeping accommodation.[100] Monies from one fund could be transferred to another fund when necessity arose, subject to the approval of the general council.[101]

CHARITY OVERSEERS

A number of rules were laid down regulating the collection of monies for charitable purposes. The officers in charge of the collection were not to separate themselves from each other while engaged in the collection, to obviate suspicion. Where one of them happened to find money in the street whilst on his round, he was not allowed to place it in his private purse, so as not to arouse any doubt, but he had to deposit the money in the special charity box *(arneke shel zedakah),* which he carried about with him, and on getting home he would be allowed to take it out. For the same reason if a debtor of his happened to pay him in the street the money he owed him, he was not allowed to put it in his own purse; nor were the treasurers permitted to buy for themselves any surplus in the supply of victuals of the *Tamhui* that was for sale, in order to avoid any charge of unfair dealings against them. Nevertheless, they were much trusted, implicitly so, and they were not expected to furnish a detailed account of the funds they administered, for to them applied the words of the Biblical text, ‘they deal truthfully’ (II Kings XII, 16). [102]

REDEMPTION OF CAPTIVES

Closely related to the general charitable work of the community was its endeavours on behalf of captives. This was regarded as the [page x] greatest service a Jew could render to his fellow man and to God, as the agonies involved in captivity were, as the Talmud points out, the most distressing and protracted of all human sufferings.[103] And however impoverished a Jewish community might have been, it never shirked its duty towards captives, but always bestirred itself to secure their release and freedom. To meet such terrible exigencies, which were, alas! but too frequent, there was a special fund allocated, and, whenever a situation arose for which the available funds were not adequate, a levy would be imposed on the members.[104] But the readiness of the Jewish Communities to pay any price for the ransom of their brethren only served to encourage the men-stealers in their sinister activities, and to further extortions. The Rabbis in their desire to protect the communities ruled accordingly that no captive should be redeemed at a price that was too high;[105] and similarly from the same motives an enactment was passed forbidding the purchase, at an excessive price, of sacred scrolls and other religious appurtenances from non-Jews who found the theft of such sacred articles quite a profitable occupation.[106]

LOST PROPERTY

Corresponding to the duty of redeeming captives is the duty of saving another's property. If one comes across what seems to be lost property, Talmudic legislation insists that it is not enough for him simply to take it into custody in fulfilment of the letter of the Biblical law (Exodus XXIII, 4; Deuteronomy XXII, 1-4) but that he is bound to look after it during the period it is in his keeping until it is eventually restored to its owner. Detailed rules are given in the Talmud in this connection, rules varying with the nature of the found property. In general, he who finds lost property must attend to it whilst it is in his custody in the same way as if it were his own, but he must not make use of it, except in so far as it will help to preserve the property in good condition.[107]

An extension of the obligation to restore lost property is the duty of saving another's property from destruction. If, therefore, one sees water flooding and threatening destruction to another's building or field, he must make every effort, such as erecting a barrier, to stop the flood. Similarly, if one sees an animal running among vineyards and damaging plants, he must take the animal out so as to prevent destruction of his fellow's property.[108]

PROTECTION OF THE WEAK AND HELPLESS

The protective hand of Jewish legislation extended to all the weak, the helpless, and the fallen in society. The interests of the fatherless were looked after by the court and special enactments were made in their favour. One of the laws in this connection is that of

exempting loans advanced by orphans from cancellation in the Sabbatical year, even if no prozbul had been made out for them.[109] The Rabbinic law of interest was relaxed in favour of orphans, and if they had idle funds the court could hand these over for investment to a person of good substance and repute on the advantageous terms whereby the orphans were to share in the profits but not in the loss, although such arrangements were, as already previously mentioned, normally forbidden as coming under the Rabbinic prohibition of indirect interest.[110]

Another law is that no debt incurred by the father could be recovered from the children, whether minors or adults, except from the poorest quality of landed property.[111] Nor could the court distrain upon the estate of the debtor's heirs who were minors, unless the debt had been contracted of a non-Jew on interest which, if allowed to run on, must by reason of its mounting nature consume in the end the estate.[112] It was, however, considered expedient in the interests of the orphans not to impose an oath on the trustee as to the administration of their property entrusted to him, lest such a course would prevent people from agreeing to undertake the responsibility of the trust.[113]

The minors and mentally defectives were, also protected. In order to enable them to eke out a living, it was ruled that any transaction in movable property made by minors or mentally defectives was valid.[114] On them was also conferred the power of acquisition; and no one had the right to deprive them of anything which they had acquired.'[115]

Special enactments were also made to protect the ignorant against abasement. It was, for instance, ordained that the special prayers on offering the first fruit should be recited by the priest instead of, as originally prescribed, by the farmer, so as not to put the ignorant to shame.[116]

SYMPATHY FOR SINNERS

And even sinners were not excluded from the all-embracing sympathy and protective arm of the Jewish legislators. They sought to remove all obstacles from the penitent sinner and to make his path of reconciliation with his fellow-man and with God smooth and easy. It was enacted that thieves who converted timber into buildings were not required to pull down the buildings, as the Biblical law demanded, in order to restore the timber to the owner, but could make restitution in money, so as to assist them in their repentance.[117] And this remarkable concern for the erring and fallen reaches its culminating point in the Talmudic statement, which expresses disapproval of any owner who accepts from a repentant sinner money which he had taken from him by violence. The mere quotation of the relevant passage is eloquent enough: "Monies restored by robbers and usurers should not be accepted by the owners, and the owner who does accept it incurs the disfavour of the sages." This Mishnah, says Rabbi Johanan, originated in the days of Rabbi, as a result of the following incident. A robber once felt the urge to reform and make amends. Thereupon his wife said to him, "*Raka* (you fool)! if you will carry out your intention, then even your girdle will not remain yours." This argument of the wife had its effect and restrained him from repenting. There and then it was declared that monies restored by robbers and usurers should not be accepted by the owners, and the owner who does

accept them incurs the disfavour of the sages.[118] [page xii]

TO SUM UP

To sum up this rapid sketch. What impresses most in this study is the governing force which the religion of Israel supplied, and the remarkable humanizing influence it exerted on the dispersed Jewish communities during the centuries when Roman civilization was being shattered. These communities were able to acquire in most countries a large measure of self-government and independent municipal rights. They were in fact little empires within an empire, theocratic empires, in which the One and Only ruled supreme. To interpret His will, there was the Torah—the Written Law, and the ever expanding and adapting oral tradition by which the Law was amplified and adjusted, so as to bring the details of social life into subjection to the Divine will and at the same time into harmony with the changing environment and conditions.

Living amidst a mixed and unfriendly population, subject to violent currents of hate and persecution, the Jewish communities had a severe struggle to maintain the ideals of justice and mercy, righteousness and equity, which they drew from the Bible. It was not always possible for them to regulate the social relations of rich and poor, employer and employed, debtor and creditor, rulers and ruled, buyer and seller, sinner and saint, on the lines they desired. But the Jewish leaders, undaunted by all obstacles and difficulties, struggled bravely on, and thus kept their people from being submerged; and in what they accomplished they not only anticipated much that is best in the social ethics of modern civilization, but what is more, have provided the Jewish state of the future with valuable material for setting up on earth a Kingdom of God.

ISIDORE EPSTEIN

FOOTNOTES

999. See Heinemann I., *Die griekische Weltanschauungslehre bei Juden und Roemern* pp. 14-15.

1000. ‘A scholar may not reside in a city where the following ten things cannot be found: a court of justice that imposes penalties and fines; a charity fund that is collected by two and distributed by three; a Synagogue; a public bath; a convenience; a physician; a surgeon; a notary; a slaughterer (Shochet); and a schoolteacher.’ Sanhedrin 17b.

1001. In a city wherein there are gentiles and Israelites, they appoint gentile treasurers and Israelite treasurers (Yerushalmi, Gittin 5, 9). The reference is to charity-treasurers, but there is no reason to assume that the appointment of non-Jews was limited to the field of charitable endeavour.

1002. Baba Bathra 7b, and Tosefta Baba Mezi‘a XI, 23.

1003. ‘R. Jose (said) in the name of Rabbi Johanan: Two brothers are not

appointed as *Parnasim.* R. Jose removed (from the *Parnas* office) one of two brothers. He thereupon entered (the academy) and declared: Nothing blameworthy was found in that man; but two brothers may not be appointed as *Parnasim*'. Yerushalmi, Pe'ah VII, 8.

1004. See Rashi, Baba Bathra 8b. 'Two brothers in respect of reliability are both regarded as one."

1005. 'Once a man is appointed as *Parnas* over the congregation, he is forbidden to perform work in the presence of three.' Kiddushin 70a.

1006. 'R. Hagi when he appointed *Parnasim* would present them with a (Scroll of) the Law, as if to say that every office that is given, derives its authority from the Torah.' Yerushalmi, Pe'ah VIII, 7.

1007. Greek *agoranomos,* market commissioner. See Tosefta Kelim, Baba Kamma, VI, 19, and Baba Mezi'a (Nezikin), VI, 14.

1008. See next note.

1009. See Midrash Bamidbar Rabbah XX, 15.

1010. See Tosefta Kelim, Baba Kamma VI, 19 and Abodah Zarah VIII, 6.

1011. See Baba Mezi'a 107b-108a.

1012. See Ta'anith 10b.

1013. See Shekalim I, 1 and Mo'ed Katan 2a.

1014. See Baba Bathra 8a.

1015. Yerushalmi Kethuboth I, i.

1016. Tosefta Baba Mezi'a XI, 24: 'Wool dressers and dyers may declare, "Any wares that are brought into the city shall be shared by all of us as partners.''

1017. See Tosefta Baba Mezi'a XI. 28.

1018. See Baba Kamma 81a.

1019. See Tosefta Baba Mezi'a XI, 30 ff.

1020. See Baba Kamma 81a: Joshua (on his entry into Eretz Israel) laid down ten stipulations: That cattle be permitted to pasture in woods; that wood may be gathered (by all) in private fields; that herbs may similarly be gathered (by all) in all places, etc.

1021. See Baba Kamma 81a: 'It is permitted to use the paths in private fields until the season of the second rain' (i.e., the seventeenth of Marcheshvan, when the seeds begin to sprout; see Rashi). This too is included among the ten

stipulations made by Joshua.

1022. Baba Bathra 12a.

1023. The designation *Hasid,* unless defined, stands for either Rabbi Judah b. Baba or Rabbi Judah b. Ila'i. See Baba Kamma 103b.

1024. See Baba Kamma 50b: 'A story (is told) of a certain man who was removing stones from his ground on to the public ground when a pious man found him (doing so) and said to him "*Raka* (Fool)! Why do you remove stones from ground which is not yours to ground which is yours?" The man laughed at him. Some days (later) he had to sell his field and when he was walking on that public ground he stumbled over those stones. He then said: How well did that pious man say to me, 'Why do you remove stones from ground which is not yours to ground which is yours?"'

1025. See Tosefta Baba Kamma II, 4: 'If one places stones or luggage on public ground, and they tell him "Remove them," and he says. "I do not wish to," then anyone who is first (to take possession of them) acquires them.'

1026. See Baba Bathra 27b: 'If a tree stretches into the public domain, the owner must cut away enough to allow a camel and its rider to pass by.'

1027. See Baba Bathra 24b: 'A permanent threshing floor must be kept fifty cubits distant from the town.'

1028. See Baba Bathra 60a: 'One may not make a cavity underneath a public domain (such as) cisterns, trenches and vaults. Rabbi Eliezer permits it if it is such that a waggon with stones can (safely) go over it.' See also *Maggid Mishneh* on Maimonides, *Yad, Nizke Mamon* XIII, 23.

1029. See Yebamoth 89b and Gittin 36b. See also Maimonides, *Yad. Sanhedrin* XXIV, 6.

1030. 'If a man's produce has already been removed entirely from the field, and nevertheless he does not allow persons to enter his field, what do people say of him? What (real) benefit has the owner (from his field)? In what way would people do him harm? It is regarding such a person that the verse says: 'While you can be good, do not call yourself bad'. (There is actually, such verse in Scripture, but as the Talmud points out, it is a paraphrase of Proverbs III, 27 — Baba Kamma 81b.

1031. Baba Bathra 12b.

1032. This view, which is based on the dictum of Pomponius, has been incorporated as authoritative in Justinian's Digest XIX, ii.ii (j): 'quaemadmodum in emendo et vendendo naturalitcr concessum eat quad pluris sit minoris emerc, quad minoris sit pluris vendere, et its invicem se circumscribere, it in locationibus quoque et conductionibus juris est.'

1033. Baba Mezi'a 50b.

1034. Baba Mezi'a 51a: 'The buyer and seller alike are subject to the law of defrauding.'

1035. Baba Bathra 90a: The reference is apparently to eatables, see Rashbam *ad loc.* and Rashi on parallel passage in Baba Mezi'a 40b. and Maimonides, *Yad, Mekirah* XIV, 2 and *Maggid Mishnah, ad loc.*

1036. 'Our Rabbis taught: In Palestine, it is not permitted to make a profit on eggs twice … (twice meaning) a dealer (selling to a dealer.' Baba Bathra 91a. The prohibition applies apparently to all foodstuffs as is evidenced from the following passage: 'Our Rabbis taught: in Palestine, it is not permitted to make a profit in things which are life's necessities, such as for instance, wines, oils and various kinds of flours.' Baba Bathra 91a. The reference is to middleman's profit, see Rashbam and Maimonides ad. Mekirah XIV,4, unless it implies a nationalisation by the State of all foodstuffs in times of scarcity.

1037. See Baba Bathra 90b: 'R. Judah ben Bathyra permits (the export of wine) because it diminishes levity.'

1038. See Baba Bathra 90b and Yoma 83a.

1039. See Baba Bathra 90b: 'They sent from there (Palestine): (The action) of the father is better than that of the son. What is the reason? (Because) a price that has been eased (and brought down to a low level) is eased (and remains so).'

1040. See Baba Bathra 89a-b.

1041. See Baba Bathra 90a.

1042. See Baba Mezi'a 6oa: One must not bedizen either human beings, or cattle, or utensils (which are for sale).

1043. See Baba Mezi'a 6ob: 'As was the case of a certain slave who went and had his head and beard dyed, and came before Raba saying to him: "Buy me." He replied: "Let the poor be the children of thy house." So he went to Rab Papa ben Samuel who bought him. One day, he said to him, "Give me some water to drink." Thereupon he went and washed his head and beard white again, and said to him, "See I am older than your father". At that he applied to himself to the verse, "The righteous is delivered out of trouble, and another cometh in his stead." (The actual verse reads, 'and the wicked etc.' but Rab Papa probably substituted 'another', intentionally, as he did not wish to have himself described as 'wicked'.

1044. See Baba Bathra 89a.

1045. Tosefta Baba Mezi'a VI, 14. There were market-commissioners in Jerusalem, but they were not appointed over the prices, but only over the (weights and) measures. See S. Klein, *Ma'amarim Shinim la-Hakirath Eretz Yisrael.*

1046. Yerushalmi Baba Bathra V, 11.

1047. See Pesahim 30a. ‘Samuel said to those who sell (hardware) pots: Charge an equitable price for your pots, if not I will publicly lecture (that the law is) in accordance with Rabbi Simeon (that leaven pots kept over Passover are not forbidden).’

1048. The Palm branches used on the Festival of Tabernacles in accordance with Leviticus XXIII, 40.

1049. See Sukkah 34b: ‘Samuel said to those that sold myrtles: “Charge an equitable price, else I would publicly lecture (that the law is) in accordance with Rabbi Tarfon.” ’

1050. Baba Mezi‘a 41a.

1051. Baba Mezi‘a 44a.

1052. Baba Mezi‘a 44a.

1053. Kiddushin 59a.

1054. Sanhedrin 81a.

1055. Baba Bathra 21b-22a.

1056. See Niddah 47a: ‘Scripture has only designed the (Canaanite slave) for work, but not for indignity.’ See Maimonides, *Yad, Abadim* IX, 8.

1057. See Gittin 37b: ‘As it is a religious duty to redeem freemen, so it is a religious duty to redeem slaves.’

1058. See Yerushalmi Baba Kamma VIII, 4: ‘Israelites are commanded to maintain incapacitated (maimed) slaves more than able (sound) ones.’

1059. See Tosefta Baba Mezi‘a Xl, 25: ‘Bakers are permitted to arrange among themselves for a (period of) rest (from work).’ See also Babe Mezi‘a 77a.

1060. See Baba Mezi‘a 83b: ‘A labourer’s entry (to town) is in his own time, but his going forth (to the field) is in his employer’s.’ See, however, Tosafoth in the name of Rabbenu Hananeel who reverses the explanation.

1061. See Baba Mezi‘a 83a.

1062. Baba Mezi‘a 10a.

1063. See Boba Mei’a 77a-b.

1064. See Baba Mezi‘a 83a-b.

1065. See Baba Mezi‘a 92a: ‘Yet a man should be taught not to be gluttonous and so close the door against himself.’

1066. See Baba Mezi'a 118a.

1067. See Baba Mezi'a 115a.

1068. See Baba Mezi'a 110b.

1069. See Baba Mezi'a 112a.

1070. See Baba Mezi'a 75b.

1071. See Berakoth 46a.

1072. See Berakoth 16a.

1073. Baba Kamma 119a-b.

1074. See M. Neumann, *Geschichte des Wuchers,* pp. 132 ff.

1075. See Baba Mezi'a 113a ff.

1076. See Gittin 49b.

1077. Sanhedrin 3a.

1078. Sanhedrin 2b-3a.

1079. See notes 74-76.

1080. See Gittin 36a and *Kesef Mishneh* on Maimonides, *Yod, Hilchoth, Mamerim* II, 2. The principle underlying the *Prozbul* is founded on the passage 'that which is thine with thy brother, thine hand shall release.' (Deut. XV, 2). From this has been derived the law that the operation of the year of release does not affect debts of which the bonds had been delivered to the Court before the intervention of the year of release (See Sifre *ad loc.),* such debts being regarded as virtually 'exacted', and hence not coming under the prohibition 'he shall not exact.' By a slight extension of this precedent, Hillel instituted the *Prozbul,* which in effect amounted to entrusting the Court with the collection of the debt. Without actually handing over the bond to the Court, as required by the existing law, the creditor could secure his debt against forfeiture by appearing in person before the Beth Din and making the prescribed declaration, viz: 'I hand over to you so-and-so, the judges in such a place (my bonds), so that I may be able to recover any money owing to me from so and so at any time I shall desire.' The meaning of the term *Prozbul* is a matter of dispute. It is generally explained from the Greek [Greek text] (declaration) before the Council.

1081. See Baba Mezi'a 104b. The *Iska* (lit. 'occupation'; 'business') was a business arrangement whereby one invests a sum of money with a trader, half of which is advanced to him as a pure loan, for which the trader bears full responsibility, and the other half deposited with him as a surety with all the risks of depreciation falling on the investor. To avoid the prohibition of usury, the investor takes a greater share of the risk than of the profit: he receives, for

example, either half of the profit but bears two-thirds of the loss, or a third of the profit but bearing half the loss. This arrangement was designed by Rabbis to satisfy the needs both of the debtor and the creditor.

1082. See Baba Mezi'a 16b.

1083. See Baba Mezi'a 108b.

1084. See Baba Bathra 13a. See Responsa Solomon Adreth I, 957.

1085. See Baba Kamma 115a. A similar principle of *market overt* is recognised in English Law. See M. Jung, *The Jewish Law of Theft*, (Philadelphia, 1929), p. 94.

1086. Gittin 59b.

1087. See Baba Mezi'a 83a.

1088. See Baba Mezi'a 24b.

1089. See Baba Mezi'a 101b.

1090. See W. E. H. Lecky, *History of European Morals,* pp. 75 ff.

1091. See Baba Bathra 9a (according to the view of Rab Judah which is accepted in the codes): '(Applicants) for clothes are examined, but not (applicants) for food; see *Shulchan Aruch, Yoreh De'ah,* 151, 10.

1092. See Baba Bathra 9a.

1093. See W. J. Ashley, *English Economic History and Theory,* II, p. 360.

1094. A tray or shallow dish with compartments for different kinds of food.

1095. The *Tamhui* was the forerunner of the soup-kitchen with which civilised Europe first became acquainted in the middle of the nineteenth century. See M. Lazarus, *The Ethics of Judaism,* I, p. 47.

1096. See Baba Bathra 8a. For variants see parallel passage, Yerushalmi Pe'ah VIII, 16 and Tosefta Pe'ah IV, 9.

1097. See Baba Bathra 8b.

1098. See Mishnah Pe'ah VIII, 7.

1099. See Baba Bathra 8b and Tosafoth *ad loc.*

1100. See Baba Bathra 8a-9a.

1101. See Baba Bathra 8b: 'Captivity is harder than all, for all sufferings are included in it.'

1102. See Baba Bathra 8a-b.

1103. See Gittin 45a: 'Captives should not be ransomed for more than their value as a precaution for the general good (literally "for the well ordering of the world").'

1104. 'And none should buy scrolls (of the Law), *Tefillin* and *Mezuzahs* from gentiles for more than their value, as a precaution for the general good.'

1105. See Baba Mezia 28b-31b.

1106. See Baba Mezia 31a.

1107. See Gittin 37a and Baba Kamma 37a: 'Orphans do not require a *prozbul.'* See note 82, p. 7.

1108. See Gittin 52a; see above note 103, p.8.

1109. See Gittin 48b.

1110. See 'Arakin 22a.

1111. See Gittin 52b.

1112. See Gittin 59a. 'As to children (above six years of age), a purchase or sale affected by them in movable property is valid.'

1113. See Gittin 59b.

1114. Mishnah Bikkurim 111, 7.

1115. Mishnah 'Eduyyoth VII, 9 and Baba Kamma 66b: If a man built a stolen beam into a structure, he need only repay its value, for the benefit of the penitent. See also A. Büchler, *Studies in Sin and Atonement,* p. 387. M. Jung, *op. cit.,* p. 78, points out that Roman law has the same provision, but gives another reason for it, namely, 'in order that buildings should not be torn dawn, under the pretence of recovering the stolen timber, nor the culture of vineyards be destroyed, *but against the one convicted of the "joining" the law grants an action for double the amount.*' The words here italicised show how far was the concern for penitents from the mind of the Roman legislators.

1116. See Baba Kamma 94b, and Buechler, *op. cit.,* p. 394.

1. The nativity of the Sun, the birth of Tammuz Dec. 25 The nativity of Jesus, or "Christmas" is held on December 25

2. The Midsummer festival of the Sun Worship was held on June 24 of each year
The Nativity of St. John is held every year on June 24

3. The assumption of Semiramus who became the mother godess of all Sun Worship
The assumption of Mary, who became the mother of God to all Catholics

4. The mother goddess was given the title, and worshipped as the Queen of Heaven. Jer. 7:18 The Virgin Mary is given the title, and worshipped as the Queen of Heaven by all Catholics.

4.a "Queen of Heaven" is wrath subduer of the Sun worship god Mary, "Queen of Heaven" subdues the wrath of Christ and His Father against sinners.

5. Cakes decorated to the goddess with a "+" drawn on it. Jer. 44:17,19 Hot cross buns are backed for Mary in most Roman Catholic churches

6. 40 days fasting before Easter for Tammuz, Ezek. 8:14 Catholics fast 40 days (Lent) before Easter

7. Sexual festival of Easter. Ezek 8:16 The Roman Catholic church initiated the sexual festival of Easter first in Christiandom

7a. Gathering at sunrise for worship Catholic church stated Easter sunrise services first in Christiandom

8. The resurrection of Tammuz on Easter, and the procession of graven images during Easter holy week All Roman Catholic churches parade partake in processions of graven images of Jesus, Mary, and Peter, and of the saints during Easter week

9. Veneration of graven images of Baal, Ishtar, Tammuz and lesser gods in the heavens
All Roman Catholic churches venerate graven images of Jesus, Mary, Peter, and of the "lesser" saints in the heavens

10. The belief of the constant immortality of the soul, and burning place of eternal torment Rome teaches the belief of immortality of the soul and a burning place of eternal torment

11. Sun Worship believed in the doctrine of purgatory Rome teaches the doctrine of purgatory

12. The belief of the dead visiting the living on a certain day each year. A feast is then held for all the dead on first day of November. (Called all souls day) Rome teaches they must hold a festival for the dead on all souls day held Nov. 2, and all saints day held Nov. 1 of each year

13. Burning incense and candles Jer 11:17; Ezek 8:11 Rome, as well as every Satanic church burns incense and candles in their "masses"

14. Chants and repetitive prayers. Beaded prayer chains. Rome as well as Satanists use chants and the beaded prayer chains. (Rome calls the chant "Gregorian chant" and the beaded chained "Rosary")

15. Symbol of the cross as symbol of Sun worship. Mesopotamian cylinder seals of old have been found that depicted the "cross in the sky" as a symbol of sun worship. Ancient carvings of an Assyrian kings have also had huge crosses carved on their chest. The oldest pictures in the world from Mesopotamia has text with is explaining the "cross" in the sky as the symbol for the sun. This particular archeological find is on display at the University Museum in Philadelphia PA. The Roman Catholic church displays a plus sign "+" cross symbol not only on the walls, paintings, windows, and roofs of their churches. Their priests also have these crosses on their clothing. Many other churches also use them and even place them inside a circle as a double symbol of Baal. The crucifix itself is an elongated version of the cross of Baal as well. Pagan Rome of old offered human sacrifices to Baal on these crosses as well.

16. Sun Worship wear amulets and idols to scare away evil spirits Roman Catholicism teaches the wearing of crucifixes and medals as a method of protection. The scapular is proof of that fact.

17. The round disk "sun" wafer with the IHS symbol for Isis, Horus & Seb, was eaten as food for the soul and worshipped as Baal incarnate The Roman Catholic Eucharist / wafer also has the IHS carvings on it for Isis, Horus, and Seb. And it is also given as food for the soul, and is worshipped as god incarnate.

18. Sun Worshiper's would paint the child Tammuz and his mother Semiramus with the glory of the Sun around their heads Rome paints the child Jesus and his mother Mary with halos of the Sun around their heads

19. Sun Worshiper's performed infant baptism, and the sprinkling of holy water Rome practices infant baptism, as well as the sprinkling of holy water

20. Pagans taught Necromancy (Talking to the dead) Rome teaches Mysticism (Novenas/prayers to the dead)

21. The first day of the week kept sacred to honor the Persian sun god Mithra. The name of the day was changed to "SUN"day Rome admitted they changed the Sabbath from day 7 to day one in honor of "SUN"day

22. The title Pontifex Maximus was given to the chief head of the Sun Worship Babylonian system of idolatry The title Pontifex Maximus is the main title of the Popes of Rome

23. Pagan gods (Janus and Cybele) were believed to be holders of the keys to Heaven

and Hell The pope claims to have the keys of Peter within his clutches

24. The highest Sun Worship priest kings was carried on a throne to the to the Temple of his god in special ceremony The Pope is carried on a portable throne to the Basilica of St. Peter (Sedia Gestoria) in special ceremony

25. The Sun Worship high priest king is believed to be the incarnate of the Sun god
The Pope proclaims to be Jesus Christ in the flesh on Earth

26. Sun Worship are taught to perform offerings of "good works" to appease the gods
Catholics are required to do penance, purchase indulgences, and perform many good works to gain salvation

27. Sun Worship had special houses for the virgin priestesses to be employed at Pagan temples. Some of these women were used as prostitutes for the heterosexual priests
The Roman Catholic church has Nuns

28. Sun Worship often had human sacrifices burned by fire as an offering to appease the sun god Many millions of opposers of Roman Catholic doctrines were burned at the stake

29. Sun Worship believed that gold was the flesh of the "Sungod" and would fill their temples of worship with as much as possible The Vatican is literally drenched in gold throughout, as are numerous cathedrals the world over

30. Sun Worship often placed stone carving of Gargoils upon their roofs as a Sun Worship god of protection The Vatican as well as thousands of Catholic churches across the globe have gargoils on their roofs

31. Phallic symbol of the male sex organ were placed on the roofs, or in courtyards of pagan templesThe Vatican has the largest phallic symbol in the middle of St Peter's square. Plus all Roman Catholic churches have them on their roofs. Today, we call them steeples.

32. The Solar wheel is a symbol for Baal and was given reverence by the Sun Worship of old. This wheel can be found carved into ancient as well as modern Buddhist temples and carved into ancient ornamental form representing Osiris. St Peter's square has largest solar wheel on the planet. ALL Catholic churches have numerous solar wheels in stain glass windows as well as many other areas of the church. Notre Dame Cathedral in Paris sports a very huge one on it's face. There is a great one in ceiling as well as the floor tiles of the monastery of St. Ignatius Loyola in Spain. Numerous paintings, statues, ornaments, and letterheads of all Catholic churches have one or more "solar wheels" depicted upon them. And the ONE WORLD CHURCH that started on June 26, 2000 uses the solar wheel as its official logo on their letterhead

33. Archeologists have found numerous carvings of the serpent on Sun Worship Rome bath houses The symbol of serpent can also be found on numerous Catholic churches

in door handles, Papal crests, etc.

34. Sun Worship have depicted "Atlas" as carrying the universe on his shoulders. They would place a large globe upon his shoulders. Numerous Popes have been depicted in paintings in the exact same manner. There are also some paintings and statues of Mary doing same

35. Sun Worship used the symbols of the "Unicorn, Peacock, and Phoenix" to signify some of their sun gods Symbols of the "Unicorn, Peacock, and Phoenix" used to symbolize the "communion" of Christ are found carved in gold in many churches on doors or chapels as well as the small sanctuary buildings housing the Eucharist or wafer god of Rome

36. Crescent moon used to signify moon goddess "Nanna" was depicted in numerous paintings, etchings, carvings and statues. It was also used to cradle the sun god in wafer form before the people for worship The crescent is also used to cradle Eucharist in the Monstrance of the Roman Catholic church, and is paraded before the people for worship. It is also seen in countless paintings, etchings, carvings, and sculptures

37. The three letters "S.F.S" within a small blaze was used to represent the universal mystery for the number "6" in the Sun Worship mysteries S.F.S in a small blaze is boldly carved into the Vatican Monstrance for all to see in the Vatican museum as well as many monstrance's in churches the world over

38. Alternating rays of the sun burst used to represent unity of "man and woman" common in all aspects of Sun Worship. (Curved ray = female "yonic" Straight ray = male "phallic") The monstrance of Catholicism, as well as many paintings and sculptures all depict same rays of both the "phallic and yonic" symbol can be found literally all over the Roman Catholic churches.

39. Carvings of "nature spirits" (fauns or satyrs) depicting a horned, hoofed-god were a common feature in all Sun Worship churches Carvings of "nature spirits" (fauns or satyrs) depicting a horned, hoofed-god are found all over the Treasury of the Vatican beneath St Peters square as well as many Cathedrals around the world

40. The statues of a "Madonna" can be found in all Sun Worship churches as well as the Egyptian Madonna, Isis, with her son Horus, or Hindu churches with Divaki and her son Krishna Mary is found in all Catholic churches holding baby Jesus wearing the same clothing, as well as Jesus making the same hand signals

41. The statue of Zeus holds symbol of thunder and a lightening bolt Pagans taught symbolised his position as a god. Mary has been depicted in many statues in same manner all throughout the Vatican as well as many churches

42. Sun Worship have demi-gods holding crooked diving staffs that represent the serpent as well as the lightening bolt The Pope himself carries the exact same staff today. (serpent crosiers) He is photographed often with it as well

43. In Sun Worship Rome you would find, Adad, Enlil, Baal, Neptune, Poseidon and other "gods" of storm and sea being depicted as carrying tridents in their hands Crosses as well as statues of Jesus and Mary in Cathedrals all over the world carved with tridents on them. There is even a gold statue of baby Jesus in the Vatican with three tridents coming out of his head. All three tridents also depict the phallic and yonic symbolism as well in that statue. They even curved the forks to make that fact known.

44. Hand gestures in the form of a trident can be found depicted in Sun Worship gods such as Jupiter, Buddah, Appollo, and Hindu diety's as well. They are called "votive hands" in pagan temples Statue of St. Peter (Originally the old Jupiter statue of Rome) as well as millions of other statues, paintings, photos, and videos of everyone from Jesus and Mary to priests, cardinals,bishops, all the Popes, Vatican guards, and even lay people themselves in the Catholic church can be seen holding up the three finger trident salute of pagan Rome. (Now called the salute to the Trinity)

45. Pine cones used to represent the deity of a solar god Osiris, Bacchus, Dionysus, as well as Mexican gods, Hindu gods, and Assyrian gods can be found all throughout Sun Worship Rome The largest pine cone sculpture in the world is found in the "Court of the pine cone" at the Vatican. The pine cone is also found carved into the crooked pagan staff (serpent crosier) of the Popes of Rome. In fact the pine cone is found all throughout the Vatican as well as Cathedrals as decoration. The staff the pope holds with the deformed Jesus and crooked cross on it has a pine cone under the base of the cross.

46. Oanne, the Babylonian fish-god (half man half fish) was depicted by Sun Worship high priests by wearing a fish head mitre (head dress) upon a mans head to symbolize man and fish joining when the "sun god" set into the ocean. (Neptune = case in point. Half man half fish) One particular Biblical deity that confirms this is "Dagon" found in 1Samuel. (Dag=fish On=sun) Mitres or head dresses that are worn by all Popes of Catholicism are an exact duplicate of these Dagon head dresses.

47. The Roman sun-god face with the alternating yonic and phallic symbols surrounding his head was found carved in excavated Roman bath houses in England. It is also found as "Apollo" on the facade of the Pergamum Museum in East Berlin. Almost all Catholic churches have the exact same carving above their pulpits, pillars, on statues, as well as carved into ceilings above altars. Some Catholic churches actually have it carved into the Eucharist itself. There is also a statue in Rome of Mary cradling the face within a blaze in her arms as if he is her child. Plus, many Weather reporters use this face inside a solar blaze as a graphic for their weather reports

48. Statues of the Romanized Egyptians Isis with globes in her hand, Hercules as a solar deity carried the very same globe in his hand, and the Persian sun-god Mithra is also depicted with the globe in his hand as a sign he is ruler of the Universe. The Vatican has a solid gold statue of Jesus with the globe in hand, a black marble statue called "the

black virgin of Montserrat" and a statue of a "child Jesus" with globe in hand as well as countless other statues all over the world with Mary and others holding the globe

49. Coptic shells were carved to symbolize the Universe as well. Roman grave stones used them to represent the Heavens. Statues of Atlas can be found carrying the "universe" shell upon his shoulders. Sun Worship Rome carved Poseidon with the shell as part of his head. Venus was said to be born from within a Coptic shell. St. Peter's Basilica in the Vatican has this Pagan symbol within the papal crest upon the wall. The Coptic shell is also found over the crypt of St. Paul's Cathedral in London. This cosmic symbol is often used as a font for holding holy water in Catholic churches the world over. They even have statues of angels holding this pagan symbol filled with holy water

50. The large evil eye can be found carved on a Roman sarcophagus in the National Archaeological Museum in Rome Italy. Masonic pendants have them as well. Hathor, the "eye of Osiris" can be found all over Egyptian temple. It was commonly used as protection against evil magic This very same evil eye within the pyramid is found on Roman Catholic pulpits, ceilings, altars, doors, pendants, medals, etc. It is also on the back of the dollar bill of the USA on the left side floating above an unfinished pyramid.

51. The multi-level crown of the high Pagan priest was first worn by old Babylonian gods in 1800BC. The horned tiara was carved atop Assyrian winged-bull cherubims as well. The Jewish Kabbalistic solar deity wore this very same tiara, as did Krishna. The bronze tomb of Pope Sixtus depicts his dead body in bronze with this three ringed tiara on his head. On that tiara you can also see 6 serpents upon it. All the Popes have worn the tiara as a symbol of their authority as "gods of the earth, heaven, and hell." Hence, the "three rings" upon it. The Vatican has a solid gold tiara on display in the Vatican treasury at all times. This is the very crown of the Pope Antichrist when he arrives to impersonate Jesus Christ in the days ahead.

52. Quetzalcoatl, "the lord of life and death" in the Aztec and Toltec cultures of 1000 AD had an opened chest with an exposed heart displayed in his statues. This was believed to be nourishment offered to the sun gods. Literally hundreds of thousands of statues, paintings, posters, lithographs, rings, medals, and icons have Jesus as well as Mary depicted in the exact same manner with what the Catholic church calls "The sacred heart." Notice that these "sacred hearts" also have the symbols of the sun god Mithra glowing rather boldly behind them at all times.

53. Assyrian carvings show eagles as genies hovering over the dead. Their "book of the dead" depicts just such a picture on its cover. Eagles are used as symbols all over the Roman Catholic church. See Rev 18:2 for it speaks of the Vatican as the "hold of ever foul spirit, and a cage of ever unclean and hateful bird."